UNREPEALED AND UNEXPIRED

ACTS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

WITH

ABSTRACTS, MARGINAL AND FOOT NOTES,

A CATALOGUE OF ALL ACTS

REPEALED, AMENDED, EXPIRED, EXTENDED OR EXPLAINED

AND

A SINGLE SYSTEMATIC AND FULL INDEX,

BY

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IN THREE VOLUMES

VOL.

CALCUTTA:

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REGISTERED UNDER ACT XX OF 1857

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1862



TO THE HONORABLE

CECIL BEADON, C. B.

LIEUTENANT-GOVERNOR OF BENGAL,

WHOSE TRIED ABILITY, LARGE EXPERIENCE AND LIBERAL PRINCIPLES PROMISE
A DISTINGUISHED CLOSE TO A LONG, LABORIOUS AND
USEFUL CAREER IN INDIA,

THESE VOLUMES

ARE DEDICATED BY THE EDITOR.

PREFACE.

The establishment in the commencement of the present year of local legislatures, and the recent repeal and codification of much of the legislation of previous years, seemed to indicate a proper period for collecting into one edition so much of the Acts of the Imperial Legislative Council as was still in force; and such a collection seemed the more desirable, as all the existing editions, having issued either year by year or periodically, contained neither any single Index, convenient for reference and applicable at once to the whole of the Acts, nor any ready means of discovering what Acts were obsolete and what still in force, or how far former had been modified by subsequent legislation.

The object of the present compilation has been to supply these wants. It is hoped that the Index will be found full and complete without being overloaded with detail: and that the four Tables of Repealed, Expired, Modified and Extended Acts will enable those engaged in judicial business to ascertain, by immediate reference, what might otherwise not be discoverable without considerable occasional loss of time.

It may be necessary to mention that no Act has been omitted, or treated as repealed, unless it has been repealed in express terms. Inferential repeals have been treated as modifications, and the modifications have been pointed out in their proper places. Such repeals as are limited only by an exception relating to things already done or committed under the repealed Act, or to the repeal by it of previous Acts, have alone been treated as complete repeals.

For the purposes of occasional reference, an Appendix will be published containing the whole of the Repealed and Expired

Acts separately, but it will not contain either Abstracts, Marginal Notes, Tables or Indices.

The Editor is indebted simultaneously to the Hon'ble L. S. Jackson and the late Mr. P. J. Paul, attorney-at-law, for the suggestion of a Classified as well as a Chronological Index, and hopes that he has succeeded in carrying out the suggestion in a manner which will add to the convenience and utility of his compilation.

The Editor has further to apologise for the delay which has occurred in the publication of the work. This has been due mainly to its having proved one-third more extensive than was originally anticipated. He hopes, however, that the delay has not led to any practical inconvenience.

GARDEN REACH,
1*st November*, 1862.

ERRATA.

VOL. I.

Page 38, line 7, *for* Repealed by Act XXXI. of 1850, *read*, Repealed by Act XXXII. of 1850.

,, 171, line 6, *to* Repealed by Act X. 1861, *add*, In so far as applicable to any suit or proceeding under Act VIII. 1859.

,, 199, line 11, *for* Sections 2, 6, 8, 14, *read*, Sections 2 - 6 and 8—14.

,, 222, line 20, *to* Repealed by Act XIX. 1861, *add*, so far as it authorises the issue of Promissory Notes payable on demand.

,, 265, line 31, *for* Repealed by Act XXXV. 1847, *read*, Repealed by Act XXXIV. 1857.

,, 383, line 4, *to* Repealed by Act X. 1861, *add*, so far as applicable to suits or proceedings under Act VIII. 1859.

,, 422, note, *for* XVII. 1862, Sec. 1, 2, *read*, XVII. 1861, Ss. 1, 2 and XXXI. 1861, Sec. 8 and XIX. 1862.

,, 929, line 30, *for* Repealed by Act XVIII. 1854, S. 30, *read*, Repealed by Act XVIII. 1854, S. 39.

VOL. II.

Page 123, line 12, *for* XXXVII. 1859, *read*, XXVII. 1859.

,, 674, note, *for* Act XXVII. of 1861, *read*, Act XXVIII. of 1861.

,, 738, note, *for* the latter Act, *read*, Act XI. 1862.

TABLE OF ACTS REPEALED.

NOTE.—Where no Section of a repealed Act is mentioned, the whole Act is intended: where no Section of a repealing Act is named, the *first* Section is meant.

Acts and portions of Acts, when only inferentially repealed (as by the phrase, so much of Act —— as refers to ——) are not treated as repealed, but as modified.

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1835	X.	...	...	II.	...	...	1855
	XIII.	...	...	XVII.	...	...	1862
	XV.	...	...	—	...	...	—
	XVIII.	...	...	—	...	...	—
	XX.	...	...	—	...	...	—
	XXI.	...	...	XIII.	...	...	—
1836	I.	...	...	XVII.	...	...	1858
	II.	...	...	I.	2	...	1838
	V.	...	...	X.	...	...	1861
	VI.	...	...	XVII.	...	...	1862
	XII.	...	...	XIII.	...	...	1860
	XV.	...	...	XXXII.	...	...	1850
	XVIII.	...	...	II.	...	...	1837
	XIX.	...	...	VI.	...	...	1839
	—	3	...	XXIV.	...	...	1838
	XXII.	4	...	X.	...	...	1853
	XXIII.	...	...	XXIV.	...	...	1839
	XXVIII.	...	...	XXVI.	...	...	1856
	XXX.	...	...	XVII.	...	...	1862
	XXXII.	...	...	XIX.	...	...	1854
1837	II.	...	...	VIII.	...	...	1851
	III.	...	...	X.	...	...	1861
	V.	...	...	XXXII.	...	...	1837
	—	...	...	XIV.	...	...	1839
	VIII.	...	...	III.	...	...	1838
	XII.	...	...	XIV.	...	...	1856
	XV.	...	...	XX.	...	...	—
	XVII.	...	...	XVII.	...	...	1854
	XVIII.	...	...	XVII.	...	...	1862
	XXI.	4	...	—	...	...	—
	XXII.	3, 5	...	XIII.	...	...	1856
	XXIII.	...	...	XVII.	...	...	1862
	XXV.	3, 9	...	X.	...	...	1861
	XXVII.	1	...	XVI.	...	...	1844
	—	12	...	XVII.	...	...	1862
	XXX.	...	...	—	...	...	—
	XXXI.	...	...	XIII.	...	...	—
	XXXII.	...	...	XIV.	...	...	1839

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1837	XXXIII.	...	...	XVII.	...	...	1862
	XXXV.	...	...	X.	...	...	1861
	XXXVII.	...	...	XVII.	...	...	1862
1838	I.	43	...	XVI.	3	...	1844
	—	...	...	I.	...	...	1852
	II.	...	...	XIV.	...	...	1843
	III.	...	...	XVII.	...	...	1862
	V.	...	...	V.	...	...	1854
	—	12, 14	...	—	...	...	—
	—	32, 37	...	—	...	...	—
	VI.	...	...	XXXVII.	...	...	1850
	VII.	...	...	X.	...	...	1861
	VIII.	...	...	VIII.	...	...	1851
	IX.	...	...	XVII.	...	...	1862
	XIII.	...	...	I.	...	...	1846
	XVII.	...	...	X.	...	...	1861
	XX.	...	...	XVII.	...	...	1854
	XXI.	...	...	XIII.	...	...	1862
	XXII.	...	...	X.	...	...	1861
	XXIV.	...	...	VI.	...	...	1839
	XXVI.	...	...	XVII.	...	...	1862
	XXVII.	...	...	X.	...	...	1861
	XXXI.	8	...	XVI.	10	...	1852
1839	I.	...	...	X.	...	...	1859
	II.	...	...	XVII.	...	...	1862
	V.	...	...	XIV.	...	...	1851
	VI.	...	...	IV.	...	...	1862
	IX.	...	...	X.	...	...	1861
	XII.	...	...	IX.	...	...	1848
	XV.	...	...	XIX.	...	...	1854
	XVII.	...	...	XVII.	...	...	—
	XVIII.	...	...	XVII.	...	...	1862
	XIX.	...	...	—	...	...	—
	XXI.	...	...	XIII.	...	...	1856
	—	8	...	XII.	...	...	1852
	XXIII.	...	...	XXIX.	...	...	1861
	XXVI.	...	...	XXXVII.	...	...	1850
	XXVIII.	7	...	XXX.	...	...	1855
	—	2—6	...	XIV.	...	...	1856
	—	8—14	...	—	...	...	—
	—	22—34	...	—	...	...	—
	—	the rest	...	VI.	...	...	1857
1840	I.	...	...	XVII.	...	...	1862
	II.	...	...	XXIX.	...	...	1861

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1840	IV.	...	...	XVII.	...	...	1862
	V.	2, 3	...	XVII.	...	...	—
	XI.	2, 3	...	—	...	...	—
	XII.	...	...	IX.	...	...	1848
	XVIII.	...	...	XIII.	...	...	1856
	XIX.	...	...	X.	...	...	1861
	XX.	...	...	XII.	...	...	1841
	XXII.	...	...	XIII.	...	...	1856
	XXIV.	...	...	XVI.	...	...	1847
	—	...	...	XII.	...	...	1852
	XXV.	...	...	XXI.	...	...	1856
1841	II.	...	...	XXXIV.	...	...	1857
	III.	...	...	XIII.	...	...	1856
	VII.	...	...	X.	...	...	1861
	IX.	...	...	XXI.	...	...	1856
	X.	13	...	XI.	...	...	1850
	XII.	3—end	...	I.	...	...	1845
	XIV.	...	...	XIV.	...	...	1856
	XVII.	2	...	X.	...	...	1861
	—	—	...	XVII.	...	...	1862
	XVIII.	2	...	XIII.	37	...	1852
	XIX.	20	...	VIII.	13	...	1855
	XX.	...	...	XXVII.	...	...	1860
	XXI.	...	...	XVII.	...	...	1862
	XXII.	...	...	XXVI.	...	...	1856
	XXVIII.	...	...	XXIX.	...	...	1861
	XXIX.	...	...	X.	...	...	—
	XXX.	1	...	XVII.	...	...	1862
	XXXI.	...	...	—	...	...	—
1842	I.	...	...	XI.	...	...	1849
	III.	...	...	XIII.	...	...	1856
	VIII.	...	...	XVII.	...	...	1862
	X.	...	...	XVI.	...	...	1850
	XI.	...	...	XIX.	...	...	1854
	XIV.	...	...	XIV.	...	...	1856
	XVIII.	...	...	XVII.	...	...	1862
1843	I.	...	...	XIX.	...	...	1843
	III.	...	...	XVI.	...	...	1853
	IV.	...	...	XVII.	...	...	1862
	VI.	...	...	X.	...	...	1861
	VII.	10, 11, 14	...	—	...	...	—
	—	17	1	—	...	...	—
	—	18, 19, 25	...	—	...	...	—
	—	27, 29	...	XVII.	...	...	1862

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1843	VII.	30—34	...	XVII.	...	...	1862
	—	35	...	XIX.	...	...	1848
	—	36, 37	...	XVII.	...	...	1862
	—	41—43	...	—	...	...	—
	—	51, 54—56	...	—	...	...	—
	—	39, 40	...	XXIV.	...	...	1859
	X.	...	...	XXV.	...	...	1848
	—	...	...	XXIII.	...	...	1858
	XII.	...	...	X.	...	...	1861
	XIII.	...	...	XXXVII.	...	...	1850
	XXI.	1	...	IV.	4	...	1852
	XXIV.	...	...	XVII.	...	...	1862
1844	III.	...	...	—	...	...	—
	VIII.	...	...	VII.	...	...	1850
	IX.	1, 2, 4, 5	...	X.	...	...	1861
	XIV.	...	...	XVII.	...	...	1862
	XV.	...	...	IX.	3	...	1845
	XVII.	...	...	VIII.	...	...	1853
	XXII.	...	...	XIII.	...	...	1862
1845	I.	...	...	XI.	...	...	1859
	II.	...	...	XVII.	...	...	1862
	III.	...	...	X.	...	...	1861
	VIII.	...	...	—	...	...	—
	X.	...	...	XVII.	...	...	1862
	XI.	...	...	XXV.	...	...	1858
	XV.	1—5	...	X.	...	...	1861
	XVI.	...	...	—	...	...	—
	XVII.	...	...	—	...	...	—
	XVIII.	...	...	XVII.	...	...	1862
	XX.	...	...	XIX.	...	...	1847
	XXIV.	...	...	XII.	...	...	1859
	XXVI.	...	...	XI.	...	...	1849
	XXVII.	...	...	XVII.	...	...	1862
	XXX.	...	...	—	...	...	—
	XXXI.	...	...	VI.	...	...	1849
1846	II.	...	...	I.	...	...	1852
	IV.	...	...	X.	...	...	1861
	VII.	...	...	XVII.	...	...	1862
	X.	...	...	X.	...	...	1859
1847	III.	...	...	XIII.	...	...	1856
	X.	...	...	XVII.	...	...	1862
	XVI.	...	...	X.	...	...	1852
	XVII.	...	...	—	...	...	1861
	XIX.	...	...	XXIX.	...	...	—

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1847	XX.	4	...	XVII.	...	...	1862
	XXII.	...	...	XIV.	...	...	1856
1848	I.	...	...	XVII.	...	...	1862
	II.	...	...	XII.	...	...	1852
	III.	...	...	XVII.	...	...	1862
	V.	...	...	—	...	...	—
	VIII.	...	...	X.	...	...	1859
	IX.	...	...	XXVII.	...	...	1856
	XI.	...	...	XVII.	...	...	1862
	XIX.	...	...	—	...	...	—
	XXIII.	...	...	XXI.	...	...	1856
1849	IV.	...	...	XVII.	...	...	1862
	VII.	...	...	VIII.	56	...	1855
	VIII.	...	...	XIII.	...	...	1856
	XI.	12	...	—	...	...	—
	XIV.	...	...	XVII.	...	...	1862
1850	I.	...	...	VI.	...	...	1857
	II.	...	...	VIII.	56	...	1855
	III.	...	...	X.	...	...	1861
	IV.	...	...	XV.	...	...	1853
	VI.	...	...	XXIX.	...	...	1861
	VII.	...	...	XVII.	...	...	1862
	VIII.	...	...	X.	...	...	1861
	XIII.	...	...	XVII.	...	...	1862
	XIV.	...	...	XIII.	...	...	1856
	XV.	...	...	X.	...	...	1861
	XVI.	...	...	XVII.	...	...	1862
	XVII.	...	...	VI.	...	...	1857
	XXIV.	...	...	IV.	...	...	—
	XXVII.	...	...	I.	...	...	1859
	XXVIII.	...	...	—	...	...	—
	XXX.	2, 3, 4	...	XV.	...	...	1853
	XXXVI.	...	...	XXIX.	...	...	1861
	XXXVIII.	...	...	XVII.	...	...	1862
	XL.	1, 4—10	...	XIII.	...	...	1856
	XLII.	...	...	VI.	...	...	1857
	XLIII.	...	...	XIX.	98	...	—
1851	I.	...	...	XII.	...	...	1859
	IV.	...	...	XVII.	..	...	1862
	VII.	...	...	X.	...	...	1861
	IX.	...	...	XIII.	...	...	1856
	X.	...	...	XXVII.	...	...	1860
	XIV.	8	...	XIII.	...	...	1856
	XVI.	...	...	XVII.	...	...	1862

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1852	I.	21 &	Sch. C.	XXII.	...	..	1855
	—	20	...	—	...	...	1859
	II.	...	...	XXIX.	...	...	1857
	VI.	...	...	XIII.	...	...	1854
	X.	...	...	XXVIII.	...	...	1856
	XII.	50	...	—	...	...	—
	—	All but 50	...	XIV.	...	...	—
	XIII.	...	...	XIII.	...	...	—
	—	42, 43	...	XXII.	...	...	1855
	XIX.	12	...	XIII.	...	...	1856
	XX.	...	...	VI.	...	...	1857
	XXVI.	...	...	X.	...	...	1861
	XXXII.	...	...	XVII.	...	...	1862
	XXXIV.	...	...	XIII.	...	...	1856
1853	I.	...	...	XVII.	...	...	1862
	III.	...	...	XVIII.	39	...	1854
	XII.	...	...	—	—	...	—
	XV.	...	...	X.	...	...	1861
	XVI.	...	...	—	...	...	—
	XIX.	40	...	—	...	...	1855
1854	I.	...	...	VI.	...	...	1857
	III.	...	...	XXIX.	...	...	1861
	VIII.	...	...	XXVII.	...	...	1860
	X.	2, 3	...	XVII.	...	..	1862
	XI.	...	...	XIII.	...	...	—
	XII.	...	...	XVII.	...	...	—
	XIV.	...	...	IV.	...	...	1855
	XXIII.	...	...	XX.	...	...	1859
	XXVIII.	...	...	XXVIII.	...	...	1856
	XXXIV.	...	...	VIII.	...	...	1860
1855	IX.	...	...	X.	...	...	1861
	X.	All but 9, 10	...	—	...	...	—
	XV.	...	...	XVII.	...	...	1862
	XVI.	...	...	—	...	...	—
	XIX.	5	...	—	...	...	—
	XX.	...	...	XXVIII.	...	...	1860
	XXXVI.	4	...	XIX.	2	...	1862
	XXXVII.	...	Sch.	X.	...	...	1857
1856	I.	...	...	XVII.	...	...	—
	II.	...	...	—	...	...	—
	IV.	...	...	—	...	...	—
	V.	...	...	XX.	...	...	1859
	VI.	...	...	IX.	...	...	1857
	X.	...	...	XXIX.	...	...	1861

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1856	XII.	6, 7	...	X.	...	...	1861
	XIII.	13, 15	...	XLVIII.	...	...	1860
	—	32—34,	...	—	...	...	—
	—	38—40, 43	...	—	...	...	—
	—	50—52,	...	—	...	...	—
	—	55, 59	...	—	...	...	—
	—	67,75,76,78	...	—	...	...	—
	—	81, 82, 99	...	—	...	...	—
	—	105,112,115	...	—	...	...	—
	XIV.	121	...	XVI.	...	...	—
	XVII.	...	...	XVII.	...	...	1862
	XXI.	9	...	XXIII.	...	...	1860
	XXIII.	...	...	XXXIX.	...	...	1858
1857	VI.	9, 37	...	II.	...	...	1861
	VII.	4	...	XVII.	...	...	1862
	VIII.	...	...	XXIX.	...	...	1861
	XI.	1, 2	...	XVII.	...	...	1862
	XXXII.	...	...	XXIX.	...	...	1861
1858	V.	...	...	XVII.	...	...	1860
	XLI.	...	...	XXXVI.	...	...	1860
1859	VIII.	130, 131	...	—	13	4	—
	—	215	...	IV.	...	...	—
	—	—	...	XXIII.	...	...	1861
	—	23, 33, 193	...	—	...	...	—
	—	274, 283	...	—	...	...	—
	—	332, 339	...	—	...	...	—
	—	358, 375	...	—	...	...	—
	—	381	...	—	...	...	—
	X.	37	...	XXXVI.	...	...	1860
	—	26, 40	...	VI.	1	...	1862*
	—	74, 79, 86	...	—	—	...	—*
	—	150, 162	...	—	—	...	—*
	XI.	15, 59	...	III.	...	...	—*
	XVI.	...	...	XXXVII.	...	...	1860
	XXIV.	22—43	...	XVII.	...	...	1862
1860	III.	...	...	—	...	...	—
	IV.	...	...	XXIII.	...	...	1861
	VI.	...	...	XXIX.	...	...	—
	XVII.	11	...	XVII.	...	...	1862
	XXXII.	128	...	XXXIX.	8	...	1860
	—	116—119	...	XVI.	13	...	1862
	—	191—194	...	—	15	...	—
	XXXV.	...	...	XVII.	...	...	—
	XXXVI.	...	...	X.	...	...	—

Year.	Act.	Section.	Cl.	Repealed by Act.	Section.	Cl.	Year.
1860	XXXVI.	21, 22 & Sch. A		XL.	5, 6	...	1860
	XL.	1	...	LI.	...	...	—
	—	...	...	X.	...	...	1862
	XLII.	10	...	XXIII.	...	...	1861
	XLIII.	...	...	—	...	...	—
	LI.	...	..	X.	...	...	1862
1861	XVIII.	...	...	II.	...	...	—
	XXII.	1—5	...	XVII.	...	...	—

TABLE OF ACTS EXPIRED.

I.	1834
—	1835
XIII.	1837
XXVI.	—
XX.	1840
XXI.	—
II.	1842
VIII.	1843
XX.	—
XIX.	1845
XXII.	—
XXIV.	1848
XXII.	1850
XXX. Sec. 1.	—
XXXIX.	—
IX.	1853
XXI.	—
XV.	1854
XXIII.	—
XXIX.	—
XXXII.	—
I.	1855
XXXIII.	—
XXXVIII.	—
XVI.	1856
I.	1857
XIV.	—
XV.	1857
XVI.	—
XVII.	—
XVIII.	—
XXVIII.	—
IV.	1858
VI.	—
X.	—
XI.	—
XIII.	—
XX.	—
XXII.	—
XXIV.	—
XXVI.	—
XXVII.	—
IV.	1859
XIX.	—
XX.	—
XXI.	—
XXVI.	—
XXVII.	—
XI.	1860
XVIII.	—
XXIX.	—
XLIV.	—
XIII.	1861

TABLE OF ACTS MODIFIED.

NOTE.—In using this Table, it should be borne in mind that many of the modifications have been swept away by subsequent legislation. Reference should be made to the Table of Repealed Acts to ascertain whether this is so or not in each case.

An asterisk * indicates an Act of the Lieutenant-Governor of Bengal in Council—which is confined to Bengal in its operation.

Year.	Act.	Section.	Cl.	Modified by Act.	Section.	Cl.	Year.
1835	II	...	...	XII.	...	...	1862
	VIII.	...	...	VI.	10	...	1853
	XIV.	...	...	IV.	...	...	1851
	XVII.	1, 2	...	XIII.	...	...	1862
	XXI.	1	...	XI.	...	...	1854
1836	VII.	...	...	XIII.	...	...	1856
	—	...	...	XXV.	...	...	1858
	XI.	2	...	III.	...	...	1850
	—	...	...	X.	...	...	1861
	XIV.	15	...	XVI.	13	...	1837
	—	16	...	—	5	...	—
	—	18	...	—	12	...	—
	—	Sch. A.	...	XV.	...	...	1844
	—	— —	...	IX.	...	...	1845
	—	Sch. B.	...	XVI.	11	...	1837
	—	— —	...	XXXV.	...	...	1855
	—	— A. & B	...	VII.	...	...	1859
	XXIV.	5	...	X.	...	...	1861
	XXV.	...	...	XX.	5, 6	...	—
	—	...	...	XIII.	...	...	1841
	XXX.	...	...	XVIII.	...	...	1837
	—	...	...	—	...	...	1839
	—	...	...	X.	...	...	1847
1837	XVII.	6, 14	...	XVII.	...	...	1839
	XXII.	2, 4	...	XIII.	1	...	1856
	XXXIII.	...	...	XII.	7	...	1854
1838	I.	Sch. A.	...	XV.	...	...	1844
	—	— A. & B.	...	XVI.	5	...	—
	—	— A.	..	IX.	...	...	1845
	—	— B.	...	II.	...	...	1846
	—	...	...	XXIV.	...	...	1850
	XVI.	1	2	XIV.	...	...	1859
	XXIX.	14	...	III.	2	...	1851
	XXX.	...	...	XXIX.	.	...	1856
	—	...	...	XI.	...	...	1851
	XXXI.	..	...	XXIX.	...	...	1850
	—	17	...	XXIII.	...	...	1847

Year.	Act.	Section.	Cl.	Modified by Act.	Section.	Cl.	Year.
1839	III.	...	...	X.	...	...	1861
	IV.	7	...	V.	...	...	1853
	VI.	31.	...	XIX.	...	...	1861
	XIV.	...	...	XV.	...	...	1842
	—	...	...	XXI.	...	...	1844
	—	...	...	XIII.	...	...	1847
	—	...	...	XXIV.	3	...	1852
	—	...	...	XXXI.	...	...	1855
	—	...	...	XII.	...	...	1860
	—	...	...	XXXIII.	...	...	—
	—	...	...	XLI.	...	...	—
	—	...	...	XLVI.	...	...	—
	XVI.	5	...	XXVI.	5	...	1861
	XXI.	...	...	XIII.	7, 8	...	1852
	XXVIII.	...	...	XI.	7, 9	...	1845
1840	III.	31	...	XIX.	...	...	1861
	IV.	4	...	XV.	6, 7	...	1845
	—	...	...	XIV.	...	...	1859
	V.	4	...	II.	...	...	1847
	XVII.	...	...	VII.	...	...	1852
	XVIII.	...	...	V.	...	...	1842
	XXIII.	...	...	VIII.	...	...	1852
	XXV.	14	...	IX.	...	...	1841
	—	7	...	XXIII.	...	...	1848
1841	VII.	...	...	XIX.	38	...	1853
	—	5	...	—	32	...	—
	—	...	...	X.	15	...	1855
	—	5	...	—	13	...	—
	X.	...	...	XV.	8	...	1852
	XIX.	...	...	XX.	13	...	1841
	XX.	...	...	X.	...	...	1851
	—	...	...	VIII.	2	...	1854
	—	...	...	—	11	...	1855
	XXI.	...	...	XXI.	58	...	1857
	XXV.	...	...	V.	7	...	1855
	XXIX.	...	...	XVI.	...	...	1845
1842	VIII.	...	...	XXVII.	...	...	1860
	XV.	...	...	XXI.	...	...	1843
	—	...	...	VIII.	...	...	1847
	—	Sch.	...	IV.	3, 4	...	1852
	—	Sch.	...	XLIX.	...	...	1860
1843	II.	...	...	X.	...	...	1861
	VI.	8	...	XXVI.	4	...	1852
	—	1	...	XIX.	...	...	1853

Year.	Act.	Section.	Cl.	Modified by Act.	Section.	Cl.	Year.
1843	VII.	49	...	VIII.	...	...	1856
	IX.	33	...	XIX.	...	...	1861
	XIV.	...	...	—	...	...	1854
	—	...	...	XXXVI.	1, 9	...	1855
	—	2	...	XXXV.	...	...	—
	—	2	...	I.	...	...	1860
	—	...	...	XVII.	1, 2	...	1861
	XV.	...	...	—	..	...	1862
	XVII.	...	...	VIII.	15	...	1855
	XXI.	...	...	XLIX.	...	...	1860
1844	III.	...	...	XIV.	...	...	1850
	VI.	Sch. A.	...	XV.	...	...	1844
	—	—	...	IX.	...	...	1845
	—	Sch. B.	...	II.	...	...	1846
	—	...	...	XXIX.	...	...	1855
	—	17, 26, 61	...	—	2	...	—
	—	Sch. A.	...	—	3	...	—
	—	— A. B.	...	VII.	...	...	1859
	—	6	...	XXIII.	...	...	—
	VII.	1	...	XV.	...	...	1852
	XII.	...	...	XXVII.	...	...	1848
	—	3	...	XXXIII.	...	...	1858
	XVI.	2, 6	...	VII.	...	..	1861
	XXI.	8	...	XXV.	...	...	1845
	—	...	...	IV.	...	...	1852
	—	...	...	XLIX.	...	...	1860
	XXII.	1	...	XI.	...	...	1854
	—	...	...	XVII.	...	...	1855
	—	...	...	VI.	...	...	1847
1845	I.	26	...	X.	...	...	1859
	IX.	Sch.	...	VII.	...	...	—
	—	...	...	I.	...	...	1852
	XXIII.	...	...	III.	..	...	1849
	XXIV.	5	...	I.	...	...	1851
	XXXII.	2	...	XIX.	28	...	1852
1846	I.	4	...	XX.	4	...	1853
	—	10, 11	...	XVIII.	...	...	1852
	—	8	...	XXX.	...	...	1850
	IV.	5, 9	...	XXV.	...	...	—
1847	VI.	1, 2, 5	...	XVII.	...	...	1855
	VIII.	...	...	XLIX.	2	...	1860
	XVI.	...	...	XXXIX.	...	...	1850
	XIX.	...	...	VIII.	...	...	1857
	—	78, 112	...	VI.	...	...	1860

Year.	Act.	Section.	Cl.	Modified by Act.	Section.	Cl.	Year.
1848	VI.	...	...	X.	2	...	1850
	—	3	...	XXX.	...	...	1854
	VII.	...	...	—	...	...	—
1849	XI.	19	...	III.	2	...	1856
	—	...	...	—	1	...	—
1850	IV.	...	...	XXX.	1, 3, 4	...	1850
	IX.	62	...	XX.	...	...	1857
	XXV.	...	...	X.	...	...	1861
	XXXI.	1	...	VII.	...	...	—
1851	V.	3	...	XIII.	...	...	1851
	X.	4	...	VIII.	...	...	1854
1852	I.	20	...	XXII.	...	...	1859
	—	Sch. A. B.	...	VII.	...	...	—
	—	—	...	XXIX.	2	...	1857
	—	18, 19, 25	...	XXX.	...	...	1854
	IV.	...	...	XLIX.	2	...	1860
	X.	...	...	XXVIII.	...	...	1854
	XV.	6	...	II.	52	...	1855
	XVI.	...	...	XVIII.	56	...	1862
	XIX.	22, 31—33	...	XIII.	1	...	1856
	—	35, 37	...	—	—	...	—
	—	19	...	III.	...	...	—
	XXIV.	3	...	XLVI.	...	...	1860
	XXV.	...	...	X.	...	...	1861
	XXXIII.	...	...	—	...	...	—
	—	...	...	XXXIV.	...	...	1855
1853	VI.	...	...	IX.	...	...	1853
	XI.	...	...	XXII.	2	...	1855
	XIX.	...	...	X.	...	...	1861
1854	VII.	...	...	XVII.	...	...	1862
	IX.	...	...	X.	...	...	1861
	X.	1	...	XVII.	...	...	1862
	XI.	...	...	—	2	...	1855
	XVII.	...	...	XVIII.	...	...	1859
	XVIII.	27, 28	...	LII.	...	...	1860
	XXI.	...	...	IV.	...	...	1862
	XXX.	2—4	...	VII.	...	...	1859
	XXXIII.	...	...	X.	...	...	1861
1855	II.	25, 26	...	X.	...	...	—
	VIII.	7	...	XXVI.	3	...	1860
	—	43	...	—	2	...	—
	—	—	...	—	4	...	1855
	XXII.	49	...	XIX.	...	...	1860
	—	46	...	XXX.	5	...	1857

Year.	Act.	Section.	Cl.	Modified by Act.	Section.	Cl.	Year.
1855	XXVII.	...	...	IV.	...	...	1862
	XXXI.	...	...	XLIX.	...	...	1860
	XXXIV.	...	...	X.	...	...	1861
	XXXVII.	...	...	—	...	...	1857
1856	XIII.	27—29	...	XLVIII.	4—6	...	1860
	XIV.	24, 51, 53	...	XXVIII.	28	...	1857
	XXI.	7, 9, 15	...	XXIII.	...	...	1860
1857	III.	13	...	XVII.	...	...	1862
	—	...	...	XXII.	6	...	1861
	—	4, 13, 14	...	V.	...	...	1860
	XIX.	1, 99	...	VII.	...	...	—
	XXIX.	2	...	XXIII.	...	...	1859
1858	VII.	3	...	XIX.	4	...	1860
	XXV.	10	...	XX.	2	...	1861
	XXX.	...	...	II.	...	...	1859
	—	...	...	XVI.	...	...	—
	—	14, 22	...	XXXVIII.	...	...	1860
1859	VII.	...	...	X.	...	...	—
	—	...	...	XI.	...	...	1862
	VIII.	98	...	X.	26	...	—
	—	...	...	XLIII.	...	...	1860
	—	215	...	IV.	2	...	—
	—	332	...	—	1	...	—
	—	385	...	—	3	...	—
	X.	71	...	VI.	14	...	1862*
	—	...	...	—	19	...	—*
	—	30	...	LIII.	...	...	1860
	XI.	10,11,15,16	...	III.	3	...	1862*
	—	10, 43, 44	...	—	2	...	—*
	XIV.	19—23	...	XI.	...	...	1861
	—	1	8,	XXXII.	...	...	—
	—	...	...	XIV.	...	...	1862
	XXII.	Sch.	...	VII.	...	...	1861
	XXIII.	...	...	XI.	...	...	1862
	—	...	...	X.	...	...	1860
	XXIV.	Sch.	...	XVII.	...	...	1862
1860	X.	...	...	XI.	...	...	—
	—	...	...	III.	...	...	1861
	XII.	...	...	XLIX.	...	...	1860
	XXXII.	Sch. 1, 3	...	XXXIX.	2	...	—
	—	243	...	—	3	...	—
	—	26—30	...	—	4	...	—
	—	33	...	—	4—6	...	—
	—	127	...	—	7	...	—

Year.	Act.	Section.	Cl.	Modified by Act.	Section.	Cl.	Year.
1860	XXXII.	Sch. 1, 2	...	XXI.	5	..	1861
	—	37—38	...	—	...	...	—
	—	26	...	IX.	2	...	1862
	—	37—39	...	XVI.	...	...	—
	—	...	...	—	14	...	—
	—	246	...	—	16	...	—
	—	69, 70	...	—	12	...	—
	XXXIII.	...	...	XLIX.	...	...	1860
	XXXVI.	...	...	XL.	1, 7	...	—
	—	...	...	LI.	...	...	—
	XXXIX.	...	...	XVI.	14	...	1862
	XLI.	...	...	XLIX.	...	...	1860
	XLII.	...	...	XII.	...	...	1861
	—	...	...	II.	...	...	1862*
	—	9	...	X.	26	...	1862
	XLV.	...	...	VI.	...	...	1861
	XLVI.	...	...	VII.	...	...	1862
1861	XXV.	398, 401	...	XV.	2	...	—
	—	430	...	—	—	...	—
	—	445	...	—	1	...	—
	—	369 Sch.	Col. 7	XXXIII.	—	...	1861
	—	457 Sch.	Col. 7	—	2	...	—
1862	IV.	11	...	VI.	...	...	1862

TABLE OF ACTS EXTENDED.

NOTE.—In consulting this Table, it should be remembered that many of the Extensions have been only temporary, and that the Extending and Extended Acts have been allowed to expire together, or one or both of them have been subsequently repealed. Reference should be made to the Table of Repealed and Expired Acts.

An asterisk * indicates an Act of the Lieutenant-Governor of Bengal.

Year.	Act.	Section.	Cl.	Extended by Act.	Section.	Cl.	Year.
1835	IV.	...	...	IX.	...	...	1849
	XVII.	...	...	XXI.	...	...	1838
1836	XXII.	7—9	...	X.	...	...	1853
	—	...	...	XV.	...	...	1860
	XXV.	...	...	V.	25	...	1838
	—	...	...	XX.	5	...	1861
	XXX.	...	...	XXIV.	...	...	1843
	XXXII.	...	...	XI.	...	...	1842
1837	I.	...	...	IX.	...	...	1849
	II.	...	...	VIII.	...	...	1838
	X.	7—10	...	XXVI.	11	...	1861
	—	14, 15	...	—	—	...	—
	XVIII.	...	...	XXIV.	...	...	1843
	XXI.	...	...	IV.	3	...	1851
	XXV.	4	...	VI.	2	...	1843
	—	8	...	XXV.	5	...	1852
	XXVII.	7	...	XXXI.	8	...	1850
	XXXI.	...	...	XXI.	...	...	1838
1838	I.	...	...	XXXI.	2	...	1850
	XXIX.	2—10	...	III.	...	...	1851
	XXXI.	...	...	XXIX.	3	...	1850
	XXXII.	...	...	IX.	...	...	1849
1839	II.	...	...	III.	10	...	1841
	—	...	...	IV.	8	...	—
	—	...	...	X.	15	...	—
	—	...	...	—	6	...	1842
	—	...	...	XI.	20	...	1845
	—	...	...	IV.	2	...	1848
	—	...	...	XIV.	4	...	1850
	—	...	...	XXVI.	10	...	—
	—	...	...	XXVII.	15	...	—
	—	...	...	XXVIII.	39, 40	...	—
	—	...	...	IX.	14	...	1851
	—	...	...	I.	78	...	1852
	—	...	...	XXII.	55	...	1855
	XII.	...	...	XII.	...	...	1840
	XIV.	...	...	XXIV.	...	...	1852
	XV.	...	...	XI.	...	...	1842

Year.	Act.	Section.	Cl.	Extended by Act.	Section.	Cl.	Year.
1839	XVIII.	...	...	XXIV.	...	...	1843
	XXI.	...	...	III.	...	...	1842
	—	...	...	VIII.	...	...	1849
	—	...	...	XIV.	...	...	1850
	XXII.	...	...	XXXVIII.	...	...	—
	XXIII.	...	...	XXVIII.	...	...	1841
	XXV.	...	...	IV.	4	...	1851
	XXVIII.	15—21	...	XVII.	...	...	1850
1840	IV.	...	...	XXVII.	...	...	1845
1841	II.	...	...	XII.	...	...	1842
	V.	...	...	XXIII.	4	...	1854
	VII.	...	...	XI.	5	...	1841
	—	6	...	IX.	...	...	1850
	X.	...	...	XI.	5	...	—
	—	24	...	—	1	...	—
	XX.	...	...	X.	5	...	1851
	XXIV.	...	...	XIV.	...	...	1852
	XXVIII.	...	...	XII.	...	...	1842
	XXX.	...	...	XXXVII.	8	...	1850
	XXXI.	2	...	X.	...	...	1854
	—	6	...	III.	5	...	1860
1842	III.	...	...	VIII.	...	...	1849
	—	...	...	XIV.	...	...	1850
	IV.	...	...	IX.	...	...	1846
	XII.	...	...	XIV.	...	...	1855
	XV.	...	...	II.	...	...	1860
1843	IV.	...	...	VII.	...	...	1853
	VII.	37	...	XII.	6	...	1854
	XII.	...	...	XV.	...	...	1850
	—	...	...	XXXIII.	...	...	1854
	—	...	...	IX.	12	...	1859
	XIV.	...	...	XXXI.	8	...	1861
	—	...	...	XIX.	...	...	1862
	XVII.	...	...	XIV.	...	...	1852
1844	I.	...	...	IX.	35	...	1850
	—	...	...	XVIII.	...	...	1857
	—	...	...	XXIV.	...	...	1858
	III.	...	...	XIV.	3	...	1850
	XI.	17	...	XXXIII.	8	...	1852
	XII.	...	...	XXVII.	—	...	1848
	XXI.	...	...	II.	...	...	1860
	XXII.	1, 2 4	...	XVII.	...	...	1855
1845	XXVII.	...	...	X.	2	...	1854
1847	VII.	...	...	IX.	89, 90	...	1850

Year.	Act.	Section.	Cl.	Extended by Act.	Section.	Cl.	Year.
1847	VII.	...	...	XXIII.	3	...	1850
	—	...	...	XII.	7	...	1851
	XXII.	...	...	II.	4	...	1848
1848	IV.	...	...	XXVI.	...	...	—
	IX.	...	...	XIV.	12	...	1851
	XVIII.	...	...	IX.	35	...	1850
1849	VII.	...	...	II.	...	...	—
	XI.	...	...	XVIII.	3	...	1856
	—	...	...	XXI.	2	...	—
1850	XVI.	...	...	IV.	...	...	—
	XXIII.	...	...	XVIII.	3	...	—
	XXXIV.	...	...	III.	...	...	1858
	XXXVII.	8, 9	...	XXXII.	3	...	1854
	XLII.	...	...	XX.	20	...	1852
1852	I.	...	...	II.	11	...	—
	—	...	...	XXII.	4	...	1859
	—	...	...	XXIX.	3, 5	...	1857
	III.	..	...	XXXIV.	2	...	—
	—	...	...	XXII.	3	...	1859
	XX.	...	...	I.	...	...	1854
	XXXIII.	...	...	XXXIV.	6	...	1855
	—	...	...	XXIII.	14	...	1857
1853	III.	...	...	XII.	...	...	1853
	XIX.	...	...	II.	19	...	1855
1854	VI.	16	...	—	53	...	—
	—	17	...	—	54	...	—
	—	33	...	—	55	...	—
	VII.	...	...	XVII.	3	...	1856
	XVIII.	...	...	LII.	—	...	1860
	XXIII.	...	...	V.	2, 3	...	1856
	XXVI.	...	...	XL.	25	...	1858
1855	XXI.	2—5	...	XIV.	2	...	—
	XXII.	11	...	XVI.	...	...	1856.
	—	...	...	XXXI.	7	...	1857
	—	...	...	XXXV.	6	...	—
	—	...	...	II.	7	...	1858
	—	...	...	VII.	8	...	—
	—	...	...	VIII.	9	...	—
	—	...	...	IX.	8	...	—
	—	...	...	XV.	7	..	—
	—	16, 21	...	XVIII.	...	...	—
	—	...	...	XIX.	3	...	1860
	—	...	...	XXV.	6	...	—
	—	...	...	IV.	7	...	1861

Year.	Act.	Section.	Cl.	Extended by Act.	Section.	Cl.	Year.
1855	XXII.	...	...	VIII.	6	...	1861
	—	...	...	XV.	10	...	—
	—	55	...	V.	15	...	1862*
	XXV.	1, 2	...	XVI.	...	...	1858
	XXXI.	...	...	XXXIII.	2	...	1860
	—	...	...	XLI.	2	...	—
	—	...	...	II.	...	...	—
	XXXIV.	...	...	XXIII.	8, 14	...	1857
	XXXVI.	...	...	XXXI.	8, 9	...	1861
	—	...	...	XIX.	...	...	1862
1856	III.	...	...	XXI.	3	...	1856
	XI.	5, 6	...	XVII.	...	...	1857
	XIII.	...	...	XLVIII.	1	...	1860
	XIV.	44—60	...	XXVIII.	27	...	1856
	XVI.	...	...	XXIV.	...	...	1857
	XIX.	...	...	XLVI.	31	...	1860
	XXI.	45	...	XXI.	9	...	1857
	—	...	...	XXIII.	5	...	1860
	XXV.	...	...	XXVI.	3	...	1856
	—	...	...	XXVII.	—	...	—
	—	...	...	XXVIII.	—	...	—
	—	...	...	XXV.	—	...	1858
1857	II.	...	...	XLVII.	...	..	1860
	VI.	...	...	II.	6	...	1861
	XI.	...	...	XXVI.	4	...	1858
	XIV.	...	...	XIII.	3	...	—
	—	...	...	XXII.	...	...	—
	—	...	...	XXVI.	4	...	—
	—	...	...	XXVII.	...	...	1859
	—	...	...	XVII.	10	...	1860
	XVI.	...	...	XXII.	...	...	1858
	—	...	...	XXVII.	...	..	1859
	XVII.	...	..	XXII.	...	...	1858
	—	...	...	XXVII.	...	...	1859
	XIX.	...	...	VII.	9	...	1860
	XXII.	...	...	XLVII.	...	...	—
	XXVII.	...	...	—	...	...	—
	XXVIII.	...	...	XIX.	...	...	1859
	—	...	...	XXVI.	...	...	—
	—	...	...	XXIX.	...	...	1860
	—	...	...	XXXI.	1	...	—
	XXXIII.	...	...	XXVIII.	...	...	1859
	—	...	...	I.	...	...	1862
1858	IV.	...	...	XXVII.	...	...	1858

Year.	Act.	Section.	Cl.	Extended by Act.	Section.	Cl.	Year.
1858	XXI.	...	...	II.	...		1860
	XXII.	...	...	XXVI.	4		1858
	XXV.	...	...	XX.	7		1861
1859	I.	...	...	XXVIII.	4		—
	VIII.	...	...	IX.	4		1860
	—	81—90	...	VI.	16		1862*
	—	...	...	XLII.	21		1860
	X.	67	...	VI.	10		1862*
	XXI.		...	XVIII.	...		1860
	XXVIII.		...	I.	...		1862
1860	XXXII.		...	XXXIX.	...		1860
		Part 19	...	XVIII.	10		1861
		75	...	XVI.	12		1862
	XXXVI.	...	...	XL.	8		1860
		Sch. A.	...	IV.	11		1862

THE ACTS

OF THE

Governor General of India

IN COUNCIL.

ACT No. I. OF 1834.

A retrospective Act of temporary operation, see Appendix.

ACT No. II. OF 1834.

GENERAL.

Corrects a misnomer in certain Acts of Parliament which describe the Secretaries of the several Indian Governments as Chief Secretaries, which is not their official designation.

Be it enacted, that each of the Secretaries to the Government of India, and to the Government of Fort William in Bengal, shall be competent to perform all the duties, and to exercise all the powers, which, by any Act of Parliament or any Regulation now in force, are assigned to the Chief Secretary to the Government of Fort William in Bengal, and that each of the Secretaries to the Government of Fort St. George and Bombay respectively shall be competent to perform all the duties, and to exercise all the powers, which, by any Act of Parliament, or any Regulation now in force, are assigned to the Chief Secretaries to the Governments of Fort St. George and Bombay respectively.

B

ACT No. I. OF 1835.

Expired.—See Appendix.

BENGAL.

ACT No. II. OF 1835.

Sudder Dewanny and Nizamut Courts and Board of Revenue to control functionaries in Assam, Arracan and Tenasserim, but in conformity with instructions issued to those functionaries by the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed in the provinces of Assam, Arracan and Tenasserim, be henceforth placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut, in criminal cases, of the Court of Nizamut Adawlut, and in Revenue cases, of the Sudder Board of Revenue; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive from the Government of Fort William in Bengal. (*a*)

CEDED AND CONQUERED PROVINCES.

ACT No. III. OF 1835.

1, 2. *All new claims in the ceded and conquered Provinces to be cognizable only in the regular courts of justice and in conformity with the General Regulations and without reference to Regulations I.* 1821; *I.* 1823 *and I.* 1829, *Sec.* 10, *Cl.* 2.

3. *Pending cases, and appeals from decisions under the old Regulations, to be decided as before. Subject to orders of Government.*

I. Be it enacted, that no new claims shall be admitted under the provisions of Regulation I. 1821, Regulation I. 1823, and Clause 2, Section 10, Regulation I. 1829.

(*a*) *Repealed with regard to the provinces of Arracan and Tenasserim, (except as to cases then pending in the Sudder and Nizamut Courts and Board of Revenue) by Act XII.* 1862.

II. And be it enacted, that all such claims shall hereafter be cognizable only in the regular Courts of Justice, and shall be tried and determined in like manner with all other suits, in conformity with the provisions of the General Regulations, and without reference to the provisions of Regulations referred to in the preceding section of this Act.

III. And be it enacted, that the Commissioners and the Sudder Board of Revenue shall investigate and decide all cases pending before them respectively, and that the Sudder Board shall continue to admit and decide Appeals from the decisions of the Commissioners, in the same manner as they were empowered to do, before the passing of this Act; provided that it shall be competent to the Government of the Presidency to transfer any part of the duties aforesaid to any Court or Officer.

ACT No. IV. OF 1835.

All powers hitherto lawfully exercised by two Justices of the Peace for Calcutta may be hereafter exercised by one.

Be it enacted, that from the 14th day of March, 1835, all powers whatever in criminal cases which, by virtue of any law now in force, may be exercised by two Justices of the Peace for the town of Calcutta, shall be exercised by one such Justice. (*a*)

ACT No. V. OF 1835. MADRAS.

District Moonsiffs' fee or commission abolished.

Be it enacted, that such parts of any of the regulations in force as authorize the District Moonsiffs within the presidency of Fort St. George to receive any fee or commission for duties

(*a*) *Extended to the Madras Presidency by Act IX.* 1849. *For the other Acts relating to Justices of the Peace for the Town of Calcutta, See Index, Title, Justice.*

performed by them, are hereby rescinded; and District Moonsiffs within that presidency, shall not be entitled to receive any emolument whatever, beyond their fixed monthly allowances.

BENGAL.

ACT No. VI. OF 1835.

Functionaries in Cachar and the Cossyah Hills to be under the control of the Sudder Dewanny and Nizamut Courts and of the Board of Revenue, but in conformity with instructions issued to those functionaries by the Bengal Government.

Be it enacted, that the functionaries who are or may be appointed to the political charge of the Cossyah Hills, or to the superintendence of the territory of Cachar, be henceforth placed under the control and superintendence, in Civil cases, of the Court of Sudder Dewanny Adawlut, and in Criminal cases, of the Court of Nizamut Adawlut, and that the officers so appointed in the territory of Cachar be placed, in Revenue cases, under the control and superintendence of the Sudder Board of Revenue; and that such control and superintendence of the Sudder Court and Board shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive, from the Government of Fort William in Bengal.

BENGAL.

ACT No. VII. OF 1835.

The Governors of Fort William and Agra respectively may transfer from any Commissioner of Circuit to any Sessions Judge any portion or the whole of the duties connected with criminal justice.

Be it enacted, that it shall be competent to the Governors of the Presidencies of Fort William in Bengal and of Agra respectively, by an order under the signature of the Secretary to Government in the Judicial Department, to transfer any part, or the whole of the duties connected with criminal justice,

from any Commissioner of Circuit to any Session Judge, and to define the powers which shall be exercised by each respectively.

ACT No. VIII. OF 1835.

BENGAL.

1. *Partially rescinds Reg. VII.* 1799, *Sec.* 15, *and Reg. VII.* 1822, *Sec.* 23. *Cl.* 2, *and transfers from the Judges of the Dewanny Adawlut to the Collectors the power of selling land in satisfaction of Summary Decrees for rent.*

2. *All sales for recovery of arrears of rent or revenue to be made by the Collector or his deputy or assistant, and publicly, and after* 10 *days' notice.*

Be it enacted, that such parts of clause 7, section 15, Regulation VII., 1799, of the Bengal Code, and other Regulations in force, as vest the Judge of Dewanny Adawlut with the power of bringing to sale, in execution of Summary Decrees for Rent, the Talook or other tenure of the defaulter, and so much of Clause 3, Section 23, Regulation VII. of 1822, of the same Code, as prohibits the Collectors from selling land in satisfaction of Summary Awards for arrears of rent which may have accrued thereon, be rescinded, and that the power heretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of Summary Decrees for rent, be transferred to the Collectors of Land Revenue.

II. And be it enacted, that all sales for the recovery of arrears of rent or revenue, held under Clause 7, Section 15, or Clause 6, Section 23, or Section 25, Regulation VII. of 1799, shall be public, and be conducted by the Collector, his deputy or duly authorized assistant, and that ten days' notice shall be given of such sales, by advertisement, to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector. (*a*)

(*a*) *Act XXV.* 1850, *and Bengal Reg. VIII.* 1819, *Sec.* 9, *as modified by Reg. VII.* 1832, *and by Act XX.* 1850, *are extended to sales under this Act by Act VI.* 1853; *which also modifies this Act in other important points.*

BENGAL.

ACT No. IX. OF 1835.

1. *Governor of Bengal, when he vests the duty of superintending Salt Chowkees in other than covenanted Civil Servants, may limit the powers of the Superintendants.*

2. *When Superintendants are appointed without powers of adjudication, the Governor of Bengal may confer such powers on any Judicial or Revenue Officer.*

3. *Powers of covenanted Superintendants of Salt Chowkees not to be affected by this Act.*

4. *Establishes a new scale of rewards for seizures of Salt.*

Governor may limit the powers of uncovenanted Superintendants.

I. Be it enacted, that it shall be competent to the Governor of Bengal, whensoever he shall deem it expedient to vest the duty of superintending Salt Chowkees in officers not being covenanted Civil Servants, to limit the powers to be exercised by them in such manner as he may be pleased to direct.

Governor may confer powers of adjudication in Salt cases on any Judicial or Revenue officer.

II. When the Governor of Bengal shall appoint Superintending Officers of Chowkees without the powers of adjudication in respect to cases of alleged violation of the laws for the protection of the Salt Revenue, which are declared to be vested in such officers by Sections 46—109 and other provisions of Regulation X. 1819 of the Bengal Code, it shall be competent to the Governor of Bengal to invest with those powers, any Judicial or Revenue Officer of the Government, giving notice thereof in the Government Gazette, and every officer so invested with the said powers shall exercise the said powers in all respects as prescribed in Regulation X. 1819 of the Bengal Code, for Salt Agents and Superintending Officers of Chowkees.

This Act not to interfere with powers vested in covenanted Superintendants.

III. Nothing in this Act contained shall be construed to affect or interfere with the powers vested by the said Regulation, or by any other Regulation of the Government of Bengal, in Superintending Officers of Chowkees being covenanted Civil Servants.

New scale of rewards.

IV. First.—In modification of the Rule contained in Section 89, Regulation X. 1819, of the Bengal Code, the following scale of rewards is established for officers and others making seizures of salt.

Second.—Upon the adjudication of a forfeiture of salt, provided the parties concerned in the attempt to evade or violate the law be likewise convicted, the officers of the Salt Department under the grades of Agent and Superintendent, if they have made the seizure upon information laid, or under orders of their superiors, shall be entitled to a reward at the rate of 8 annas per maund of merchantable Salt so adjudged to be forfeited. If the parties concerned be not discovered and convicted, the reward to the salt officers shall be only at the rate of 5 annas per maund.

Third.—If Salt be seized by any subordinate officers of Government possessing authority to make seizures, without information from others or orders from their superior, the reward shall be at the rate of one rupee per maund if the offenders be convicted, and 8 annas if no offenders be convicted.

Fourth.—Informers, whether officers of Government or not, shall, on the adjudication of Salt to forfeiture that may have been seized on their information, receive 8 annas per maund if the offenders be convicted, and 5 annas if there be no conviction.

ACT No. X. OF 1835.

Repealed by Act II. of 1855.—See Appendix.

ACT No. XI. OF 1835.

GENERAL.

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1. *Repeals four Regulations.*
2. *No periodical print containing public news or comments thereon to be published without a declaration according to prescribed form, made and subscribed by the printer and publisher before a Magistrate. Fresh declaration to be made when the place of printing and publishing is changed, or the printer or publisher leaves the territories of the East India Company.*
3. *Penalty for non-conformity with the above rules. Fine not exceeding Rs. 5,000 and imprisonment not exceeding two years.*
4. *Declaration to be signed and sealed by the Magistrate, and to be deposited in his office and in the Supreme Court, and copy and inspection to be given to any one.*

5. *Office copy of declaration to be primâ facie evidence as to who was printer or publisher.*

6. *Persons ceasing to be printers or publishers after subscribing declaration, may make fresh declaration in prescribed form. Provisions as to such fresh declaration.*

7. *Every printed book or paper to have printed legibly on it the names of the printer and publisher and the place of printing and publication. Penalty, as in Section 3.*

8. *No person to keep printing-press without making and subscribing declaration in prescribed form, under similar penalty.*

9. *Similar penalty on any person knowingly affirming an untruth in any declaration under this Act.*

Four Regulations repealed.

I. Be it enacted, that from the fifteenth day of September, 1835, the four Regulations, hereinafter specified, be repealed.

1st.—A Regulation for preventing the establishment of printing-presses, without license, and for restraining, under certain circumstances, the circulation of printed books and papers, passed by the Governor-General in Council, on the 5th April, 1823.

2d.—A Rule, Ordinance, and Regulation for the good order and civil government of the Settlement of Fort William in Bengal, passed in Council, 14th March, registered in the Supreme Court of Judicature, 4th April, 1823.

3d.—A Rule, Ordinance, and Regulation for preventing the mischief arising from the printing and publishing Newspapers, and periodical and other books and papers by persons unknown, passed by the Honorable the Governor in Council of Bombay, on the 2d day of March, 1825, and registered in the Honorable the Supreme Court of Judicature at Bombay, under date the 11th of May, 1825.

4th.—A Regulation for restricting the establishment of printing-presses, and the circulation of printed books and papers, passed by the Governor of Bombay in Council, on the 1st of January, 1827.

Form of declaration to be made and subscribed by printer and publisher.

II. 1st.—And be it enacted, that, after the said fifteenth day of September, 1835, no printed periodical work whatever, containing public news or comments on public news, shall be published within the territories of the East India Company, except in conformity with the rules hereinafter laid down.

Fresh declaration when to be made.

2d.—The printer and the publisher of every such periodical work shall appear before the Magistrate of the jurisdiction within which such work shall be published, and shall make and subscribe in duplicate the following declaration:

"I, A. B., declare, that I am the printer (or publisher, or printer and publisher) of the periodical work entitled —— and printed (or published, or printed and published) at ——."

The last blank in this form of declaration, shall be filled up with a true and precise account of the premises where the printing or publication is conducted.

3d.—As often as the place of printing or publication is changed, a new declaration shall be necessary.

4th.—As often as the printer or the publisher, who shall have made such declaration as is aforesaid, shall leave the territories of the East India Company, a new declaration from a printer or publisher resident within the said territories shall be necessary.

Penalty. Fine, not exceeding Rs. 5000, and imprisonment not exceeding 2 years.

III. And be it enacted, that whoever shall print or publish any such periodical work as is hereinbefore described, without conforming to the rules hereinbefore laid down, or whoever shall print or publish, or shall cause to be printed or published, any such periodical work, knowing that the said rules have not been observed with respect to that work, shall, on conviction, be punished with fine to an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

One original declaration to be kept by the Magistrate, and one to be deposited in the Supreme Court.

Inspection and copy to be given on payment of fee.

IV. And be it enacted, that each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made, and one of the said originals shall be deposited among the records of the office of the Magistrate, and the other original shall be deposited among the records of the Supreme Court of Judicature, or other King's Court within the jurisdiction of which the said declaration shall have been made. And the officer in charge of each original shall allow any person to

inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration attested by the seal of the Court which has the custody of the original, on payment of a fee of two rupees.

Office copy to be prima facie evidence as to printer or publisher or both.

V. And be it enacted, that in any legal proceeding whatever, as well Civil as Criminal, the production of a copy of such a declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations, shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, that the said person was printer, or publisher, or printer and publisher, (according as the words of the said declaration may be) of every portion of every periodical work whereof the title shall correspond with the title of the periodical work mentioned in the declaration.

Form of fresh declaration to be made on printer or publisher ceasing to be such.

VI. Provided always that any person who may have subscribed any such declaration as is aforesaid, and who may subsequently cease to be the printer or publisher of the periodical work mentioned in such declaration, may appear before any Magistrate, and make and subscribe in duplicate the following declaration :

Provisions as to such fresh declaration.

"I, A. B. declare that I have ceased to be the printer (or publisher, or printer and publisher) of the periodical work entitled ———." And each original of the latter declaration shall be authenticated by the signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration :—and the officer, in charge of each original of the latter declaration, shall allow any person, applying, to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees :—and in all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a

copy, attested as is aforesaid, of the latter declaration: and the former declaration shall not be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the periodical work therein mentioned.

Name of printer and publisher, and place of printing and publication to be printed on every book or paper.

VII. And be it enacted, that every book or paper printed after the said fifteenth day of September, 1835, within the territories of the East India Company, shall have printed legibly on it, the name of the printer and of the publisher, and the place of printing and of publication, and whoever shall print or publish any book or paper otherwise than in conformity with this rule, shall, on conviction, be punished by fine to an amount not exceeding five thousand rupees, and by imprisonment for a term not exceeding two years.

Penalty.

Printing press not to be kept without making declaration.

VIII. And be it enacted, that after the said fifteenth day of September, 1835, no person shall, within the territories of the East India Company, keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before the Magistrate of the jurisdiction wherein such press may be; and whoever shall keep in his possession any such press without making such a declaration, shall, on conviction, be punished by fine to an amount not exceeding five thousand rupees, and by imprisonment for a term not exceeding two years:

Penalty.

"I, A. B. declare, that I have a press for printing at ———," and this last blank shall be filled up with a true and precise description of the premises where such press may be.

Similar penalty for making false declaration.

IX. And be it enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof, be punished by fine to an amount not exceeding five thousand rupees, and imprisonment for a term not exceeding two years.

MADRAS.

ACT No. XII. OF 1835.

Regulations IV. 1829, and IV. 1830, of the Madras Code rescinded.

Be it enacted, that Regulation IV. 1829, of the Madras Code, entitled a Regulation for annulling the Sunuds-i-Milkeut Istimrar, issued for the Zemindarees of Nozeed and Ellore, in the Zillah of Masulipatam, and for empowering the Government to issue new Sunuds for the same—and Regulation IV., 1830, of the same Code, entitled a Regulation for suspending the provisions of the Regulation IV., 1829, be rescinded.

ACT No. XIII. OF 1835.

Repealed by Act XVII, 1862.

BOMBAY.

ACT No. XIV. OF 1835.

Governor of Bombay authorised to appoint any Military Officer a Magistrate, and to confer the powers of a Magistrate on any Assistant Magistrate.

Be it enacted, that it shall henceforth be competent to the Governor of Bombay in Council, by an Order in Council, to appoint any Military Officer in the service of the East India Company, a Magistrate, or an Assistant Magistrate in one or more Zillahs, *and to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate.**

ACT No. XV. OF 1835.

Repealed by Act XVII., 1862.

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* *The words in Italics were repealed and still stand repealed by Act IV.* 1851, *though the latter enactment has been itself repealed by Act XVII.* 1862.

ACT No. XVI. OF 1835.

BENGAL.

Rescinds Sections 2 and 3, Reg. V. 1830.

Be it enacted, that from the 1st of November, 1835, so much of Section 2, of Regulation V. of 1830 of the Bengal Code, as provides that persons instigating and inducing ryots to evade the performance of their engagements, may be prosecuted for the full amount of the penalty specified in the original agreement of the ryot, together with all expenses and costs of the suit—and Section 3, of the same Regulation, providing that persons contracting for the cultivation of Indigo Plant, who shall wilfully neglect or refuse to sow or cultivate the ground specified in their engagement, shall be deemed guilty of a misdemeanor, and liable to punishment,—be rescinded.

ACT No. XVII. OF 1835.

GENERAL.

1. *What silver coins shall alone be coined and of what standard respectively.*
2. *What device shall be borne on the obverse and reverse of such coins.*
3. *New coins to be legal tender.*
4. *Comparative value of the new and old coins.*
5. *The Quarter Rupee when to be legal tender.*
6. *Existing contracts for payment of Calcutta Sicca Rupees to be performed according to the terms agreed on.*

7, 8. *What gold coins shall be coined and of what value and standard, and what they shall bear on the obverse and reverse.*

9. *No gold coin to be henceforth legal tender.*
10. *Governor-General in Council may direct the coining and issuing of coins under this Act, and prescribe devices and inscriptions on copper coins, and establish, regulate and abolish mints.*

Weights and standards of silver coins.

Be it enacted, that from the first day of September, 1835, *the undermentioned silver coins only shall be coined at the mints*

within the territories of the East India Company :*—A Rupee, to be denominated the Company's Rupee; a Half Rupee; a Quarter Rupee; and a Double Rupee: and the weight of the said Rupee shall be 180 Grains Troy, and the standard shall be as follows:

$\frac{11}{12}$ or 165 Grains of pure Silver,
$\frac{1}{12}$ or 15 ,, of Alloy.

and the other coins shall be of proportionate weight and of the same standard.

Inscriptions on obverse and reverse of silver coins.

II. And be it enacted, that these coins shall bear on the obverse the head and the name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, *and on the reverse* the designation of the coin in English and Persian, and *the words "East India Company" in English*,* with such embellishment as shall, from time to time, be ordered by the Governor-General in Council.

Coins when to be legal tender.

III. And be it enacted, that the Company's Rupee, Half Rupee, and Double Rupee, shall be a legal tender in satisfaction of all engagements, provided the coin shall not have lost more than two per cent. in weight, and provided it shall not have been clipped, or filed, or have been defaced otherwise than by use.

Comparative value of the new and old coinage.

IV. And be it enacted, that the said Rupee shall be received as equivalent to the Bombay, Madras, Furruckabad and Sonat Rupees, and to fifteen-sixteenths of the Calcutta Sicca Rupee; and the Half and Double Rupee respectively shall be received as equivalent to the Half and Double of the above-mentioned Bombay, Madras, Furruckabad and Sonat Rupees,

* *The words in italics have been repealed by Act XIII.* 1862, *Sec.* 1. *The general provisions of the Act have been to some degree modified by Acts XXI,* 1835 *and XXXI,* 1837 *and XXI,* 1838, *and XXII,* 1844 *and XI,* 1854*—all of which have been repealed, however, by Act XIII,* 1862*—and by Acts XIII,* 1836; *XXXI,* 1839; *XIII,* 1844; *VI,* 1847 *and XVII,* 1835;*—which are still extant.*

and to the Half and Double of fifteen-sixteenths of the Calcutta Sicca Rupee.

V. And be it enacted, that the Company's Quarter Rupee shall be a legal tender only in payment of the fraction of a Rupee.

Quarter Rupee when to be legal tender.

VI. Provided, that if in any contract for the payment of Calcutta Sicca Rupees, it shall have been specially stipulated that if payment be made in the territories of the Madras, Bombay, or Agra Presidency, it shall be made in the Rupee now current in those Presidencies respectively, at a different rate from that above provided with reference to the Calcutta Sicca Rupee, the contract shall be satisfied by payment within those Presidencies of Company's Rupees of the amount of Furruckabad, Madras, or Bombay Rupees so specially stipulated :—Provided also, that if payment of the principal or interest of the Public Debt be made for the convenience of creditors at any public Treasury other than as stipulated in the notes and engagement of the Government, it shall be competent to the Government to make such payments at the same exchange as heretofore.

Existing contracts not to be interfered with by this Act.

VII. And be it enacted, that the undermentioned gold coins only shall henceforth be coined at the mints within the territories of the East India Company.

Denominations, weights and standards of gold coinage.

First.—A Gold Mohur or Fifteen-Rupee piece of the weight of 180 Grains Troy, and of the following standard, viz. :—

$\frac{11}{12}$ or 165 Grains of pure Gold,

$\frac{1}{12}$ or 15 ,, of Alloy.

Second.—A Five-Rupee piece equal to a third of a Gold Mohur.

Third —A Ten-Rupee piece equal to two-thirds of a Gold Mohur.

Fourth,—A Thirty-Rupee piece or Double Gold Mohur; and the three last mentioned coins shall be of the same standard with the Gold Mohur, and of proportionate weight.

Inscriptions on obverse and reverse of gold coins.

VIII. And be it enacted, that these gold coins shall bear on the obverse the head and name of the reigning Sovereign of the United Kingdom of Great Britain and Ireland, and on the reverse the designation of the coin in English and Persian, *and the words "East India Company" in English*, with such embellishment as shall from time to time be ordered by the Governor-General in Council, which shall always be different from that of the silver coinage.

No gold coin to be legal tender.

IX. And be it enacted, that no gold coin shall henceforward be a legal tender of payment in any of the territories of the East India Company.

Powers of Governor-General in Council as to Mints and Coinage.

X. And be it enacted, that it shall be competent to the Governor-General in Council, in his executive capacity, to direct the coining and issuing of all coins authorized by this Act; to prescribe the devices and inscriptions of the copper coins issued from the mints in the said territories, and to establish, regulate, and abolish mints, any law hitherto in force to the contrary notwithstanding.

ACT No. XVIII. OF 1835.

Repealed by Act XVII, 1862.

BOMBAY.

ACT No. XIX. OF 1835.

Governor of Bombay may appoint the Assistant Judge of Poonah to be Assistant to the Agent for Sirdars in the Deccan, and the Agent may refer to such Assistant original suits against Sirdars up to Rs. 5,000. Assistant's decree to be open to appeal to Agent for 30 days. Agent's decree to be open to special appeal to the Governor or to the Sudder Adawlut, according to the Sirdar's rank, for 90 days.

Be it enacted, that it shall be competent for the Governor in Council of Bombay, to appoint the assistant Judge of the Zillah Court of Poonah to be Assistant to the Agent for Sirdars in the Deccan; and it shall be competent to the Agent

for Sirdars, to refer to his Assistant original suits against Sirdars for amounts not exceeding 5,000 Rupees—and in the trial of such suits, the Assistant shall follow the same rules which are now applicable to the Agent, and every decree of the Assistant shall be open to an appeal to the Agent within (30) thirty days from the date of the decree; and every decision of the Agent on such appeal shall be open to a special appeal under the provisions of Chapter XXII. Regulation IV. of 1827, of the Bombay Code, to the Governor in Council, or to the Sudder Adawlut, according as the rank of the Sirdar may subject him to the jurisdiction of either authority, provided such last mentioned appeal shall be brought within (90) ninety days after the date of the decree of the Agent.

ACT No. XX. OF 1835.

Repealed by Act XVII. 1862.

ACT No. XXI. OF 1835.*

Repealed by Act XIII. 1862.

ACT No. I. OF 1836.

Repealed by Act XVII. 1858

ACT No. II. OF 1836.

Repealed by Act I. 1838. Sec. 2.

ACT No. III. OF 1836.

Duties now levied on import of Cattle into Salsette abolished.

It is hereby enacted, that from the tenth day of March, 1836, all duties now levied on the import of Cattle into Salsette, whether at the bunders of the main land or Salsette, shall be abolished.

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* *Section 1 of Act XXI. 1835 had been first modified by Act XI. 1851, but that Act has itself been repealed by Act VI. 1853.*

ACT No. IV. OF 1836.

Insolvent Debtors' Act continued till 1st March, 1839.

It is hereby enacted, that the Act of Parliament passed in the 9th Year of King George the Fourth, and entitled "An Act to provide for the relief of Insolvent Debtors in the East Indies until the first day of March, 1833," which Act, was by an Act passed in the 2d Year of King William the Fourth, continued till the first day of March, 1836, shall continue to be in force till the first day of March, 1839.

ACT No. V. OF 1836.

Repealed by Act X. 1861, *Sch.*

ACT No. VI. OF 1836.

Repealed by Act XVII. 1862, *Sch.*

ACT No. VII. OF 1836.

1. *Acts done and levies made under certain Regulations specified shall not be questioned.*

2. *Regulations XIX. and XXXII. of* 1827 *shall for the future constitute the law for the collection of the taxes therein enumerated.*

I. It is hereby enacted, that the legality of acts done and levies made under Regulations III. and IV. of 1817, and VII. of 1818, and IV. of 1821, and XIX., XX., and XXI. of 1827, and XV. of 1828, XX. of 1830, and II. and XIII. of 1831, and I. and X. of 1833, of the Bombay Code, shall not be questioned in any Court of Law whatever.

II. And it is hereby enacted, that for the future the provisions of Regulations XIX. and XXXII. of 1827 shall constitute the law for the collection of the several taxes therein enumerated, and for all purposes for which they were passed. (*a*)

(*a*) *The Schedule of Act XIII.* 1856 *repeals so much of this Act as relates to any law repealed by Act XIII.* 1856. *But it is difficult to discover the relationship pointed at.*

ACT No. VIII. OF 1836.

1. *No person whatever shall by reason of place of birth or of descent be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff.*

2. *In respect of acts done as such officers, British-born subjects and their descendants shall be liable to the same jurisdiction as those not of British birth or descent.*

I. It is hereby enacted, that from the 31st day of March, 1836, no person whatever shall by reason of place of birth, or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the territories subject to the Presidency of Fort William in Bengal.

II. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen or Moonsiff, be liable to the same proceeding, as well criminal as civil, and shall be amenable to the jurisdiction of the same tribunals as if he were not of British birth or descent.

ACT No. IX. OF 1836.

Commanding Officer of any military station authorised to administer within the limits of the station the same oath as any Justice of the Peace.

It is hereby enacted, that the Commanding Officer of any military station occupied by troops in the service of the East India Company, shall be competent to administer, within the limits of such military station, any oath which a Justice of the Peace is competent to administer within the said territories, and that such oath shall in all respects, be of the same effect as if taken within the said territories before a Justice of the Peace.

ACT No. X. OF 1836.

1. *Repeals Regulation VI. of* 1823, *Sec.* 5, *Cl.* 2.

2. *Whenever the right to Indigo plant may be contested, and an order made for delivery to one of the claimants, such claimant shall not be allowed*

to cut or remove the plants, till he shall have given security to make good any claim that shall be ultimately established.

3. *Any person knowingly prevailing upon a ryot to break a contract under which money has been advanced, shall be liable conjointly with the ryot to a civil action for damages—but not for any act done to procure payment of a debt or performance of a contract.*

4. *Plaintiff and defendant may be examined; and compensation for expense and loss of time be given, if award is for defendant.*

5. *Judge may refer to a Principal Sudder Ameen, or Sudder Ameen, any suit instituted under Regulation VI. 1823, or under this Act.*

Regulation repealed.

I. It is hereby enacted, that clause third, section 5, Regulation VI. 1823, of the Bengal Code, be repealed.

The successful claimant not to cut or remove Indigo plant without giving security.

II. And it is hereby enacted, that whenever the right to Indigo plant may be contested, and an order shall be passed, under the provisions of clause ninth, section 3, Regulation VI. 1823, of the Bengal Code, for the delivery of Indigo plant to one of the parties claiming the same, such party shall not be allowed to cut or remove the Indigo plant until he shall have given sufficient security to the satisfaction of the Court trying the case, to make good any claim that shall be ultimately established to such Indigo plant, whether arising from a prior right to the produce of the land, or from an arrear of rent due on account of the specific parcel of land from which the plant may have been produced.

Wilful instigator of a breach of contract as to Indigo liable to civil action jointly with the ryot.

III. And it is hereby enacted, that when a lawful contract shall have been made between a ryot and another party, by which contract the ryot shall have bound himself to cultivate Indigo plant for the other party, or to deliver Indigo plant to the other party, and when the other party shall have advanced money to the ryot for the purpose of enabling the ryot to fulfil such contract, then if any other person, knowing that such contract exists, and that such advance has been made, shall prevail upon the ryot to break such contract, the party who made the advance shall be entitled to proceed by civil action against the person who shall have so prevailed on the ryot, as well as against the ryot, and to recover from him or them, jointly or severally, damages to the extent of the injury sustained, together with costs of suit.

Provided always, that nothing in this Section contained shall be construed to give a right of action against any person in consequence of any act which that person may have done for the purpose of procuring payment of a debt, or performance of a lawful contract.

IV. And it is hereby enacted, that the Court trying any suit instituted under the provisions of Regulation VI. 1823, of the Bengal Code, or under the provisions of this Act, shall be authorized to examine both the plaintiff and the defendant, whenever the Court shall deem such examination necessary to the ends of justice; and if the award be in favor of the defendant, to assign to the defendant a sum which may be a compensation to him for the expense and loss of time occasioned by the proceeding.

Both parties may be examined, and compensation may be awarded to defendant.

V. And it is hereby enacted, that it shall be competent to a Zillah or City Judge, to refer to a Principal Sudder Ameen or Sudder Ameen, according to the amount of their respective jurisdictions, any suit, whether regular or summary, which may be instituted under the provisions of Regulation VI. 1823, or under the provisions of this Act, to be enquired into and decided by the said Principal Sudder Ameen, or Sudder Ameen, in the same manner, and under the same rules, as such suit may be enquired into and decided by a Zillah or City Judge, any thing in the existing Regulations to the contrary notwithstanding.

Suit under this Act or under Regulation VI. 1823, may be referred to Principal Sudder Ameen or Sudder Ameen.

ACT No. XI. OF 1836.*

1. *Repeals Section* 107 *of* 53 *George III. C.* 155.

2. *No person, by reason of place of birth or of descent, shall be exempt from jurisdiction of the Courts enumerated.*

I. It is hereby enacted, that from the first day of June, 1836, the 107th Clause of an Act of Parliament, passed in the

Repeals 53 George III. C. 155, s. 107.

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* *This Act, in so far as it is applicable to any suit or proceeding under Act VIII.* 1859, *is repealed by Act X.* 1861.

See Acts XXXIV. 1836, *still extant; and III.* 1839, *and VI.* 1843, *and III.* 1850, *all repealed by Act X.* 1861.

53d year of King George III., and entitled "An Act for continuing in the East India Company for a further term the possession of the British territories in India, together with certain exclusive privileges:—for establishing further Regulations for the government of the said territories, and the better administration of justice within the same, and for regulating the trade to and from the places within the limits of the said Company's Charter," shall cease to have effect within the territories of the East India Company.

No person by reason of place of birth, or of descent to be exempt from jurisdiction of civil courts in the Mofussil.

II. And it is hereby enacted, that from the said day, and within the said territories, no person whatever shall, by reason of place of birth, or by reason of descent, be, in any civil proceeding whatever, excepted from the jurisdiction of any of the Courts hereinafter mentioned:—that is to say—

The Courts of Sudder Dewanny Adawlut—of the Zillah and City Judges—of the Principal Sudder Ameens—and of the Sudder Ameens, in the territories subject to the Presidency of Fort William in Bengal.

The Court of Sudder Adawlut—the Provincial Courts—the Courts of the Zillah Judges—of the Assistant Judges—of the Registers, and of the Native Judges in the territories subject to the Presidency of Fort St. George.

The Courts of Sudder Adawlut—of the Zillah Judges—of the Native Judges—and of the Principal and Junior Native Commissioners in the territories subject to the Presidency of Bombay.

ACT No. XII. OF 1836.

Repealed by Act XIII. 1860.

ACT No. XIII. OF 1836.

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1. *Calcutta Sicca Rupee not to be legal tender after 1st January, 1838.*
2. *Repeals Reg. XXV. 1817, Sec. 5. Pice struck at Benares and Furruckabad not to be legal tender except within those provinces. Proclamation.*

Calcutta Sicca Rupees not legal tender after 1st Jan., 1838.

I. It is hereby enacted, that from the first of January, 1838, the Calcutta Sicca Rupee shall cease to be a legal tender

in discharge of any debt, but shall be received by the Collectors of Land Revenue, and at all other public treasuries, by weight, and subject to a charge of 1 per cent. for re-coinage.

Benares and Furruckabad pice not to be legal tender after 1st June, 1836, except within those provinces.

II. And it is hereby enacted, that from the 1st of June, 1836, Section 5, Regulation XXV. 1817, of the Bengal Code, which provides that "the pice struck at the mints of Benares and Furruckabad agreeably to the provisions of Regulation X. 1809, and Regulation VII. 1814, and Regulation XXI. 1816, shall be considered as circulating equally with the pice of Calcutta coinage throughout the provinces of Bengal, Behar and Orissa, and shall in like manner be received as a legal tender in payment of the fractional parts of a Rupee of the local currency at the rate of sixty-four pice for each Rupee," shall be repealed —and the said pice shall be a legal tender only within the provinces and places for which they were respectively coined, as provided by Regulation X. 1809, Regulation VII. 1814, and Regulation XXI. 1816, respectively.

ACT No. XIV. OF 1836.

1. *Transit and town duties in the interior, and import and export duties on sea goods abolished in Bengal, except as to the Jumna or any other frontier line, and as to salt from Western or Central India.*

2, 3. *Schedule A. to regulate import duties on sea goods, and Schedule B. export duties on country goods.*

4. *No goods entered in the Schedules to be exempted from duty, except by order of Government. Collector to have discretion as to passengers' luggage.*

5. *New duties to be levied according to the existing rules.*

6. *Governor may fix a place beyond which an inward bound vessel shall not pass until the master shall have delivered to the pilot the manifest. Penalty for false manifest, or for anchoring 24 hours without delivering manifest, Rs.* 1,000.

7. *Vessel not to break bulk till Collector shall have received two copies of manifest and given order for discharge of cargo.*

8. *Collector may send Custom House Officers on board any vessel, and they shall remain night and day till the vessel leaves the port.*

9. *Penalty of Rs.* 500 *per diem for refusing to admit or properly accommodate a Custom House Officer.*

10. *Collector may issue written order for vessel to be searched, and the officer bearing such warrant may break open cabins, &c., if not opened on requisition. Concealed goods to be confiscated. Penalty for resisting, or refusing to allow search under warrant, Rs.* 1,000.

11. *Goods not to be landed or put on board till order for discharge of cargo be given: and after such order, cargo to be sent to land except such part as may be declared for re-exportation. Export goods to be laden on board according to existing rates.*

12. *Goods not duly manifested to be seized on board. Penalty of Rs.* 500 *for every missing or deficient package of unknown value, or of twice the amount of duty where the value is known. The Collector may, at his own discretion, allow, or refuse to allow, the master to furnish an amended or supplemental manifest.*

13. *Penalty of Rs.* 500 *on Custom House Officer demanding or accepting any unauthorised gratuity. Same penalty on person offering him a bribe.*

14. *Collector to adjudicate on goods seized, but, in case of confiscation, to report to the Board for final adjudication.*

15. *Twenty days to be allowed for discharge of Import cargo to vessels of not more than* 600 *tons burden, and* 30 *days to other vessels. After that, the master shall pay the Custom House Officer's charges, but may land the goods, if consignees do not. If both fail, Collector may land and warehouse goods for security of duties, and after* 3 *months may sell uncleared goods.*

16. *For continuous loading of export cargo,* 15 *or* 20 *days to be allowed. But if vessel be laid up, the Custom House officer shall be withdrawn on his certifying, No goods on board. On subsequent entry outwards, there shall be a fresh certificate, and then a period of* 20 *or* 30 *days according to tonnage shall be allowed for loading export cargo.*

17. *Port clearance may be refused till after payment of any penalty incurred.*

18. *Goods shipped after grant of port clearance shall pay double duty: or if free,* 5 *per cent.*

19. *In case of cargo being relanded for damage or other cause, the Custom House Officer shall take charge. Such goods not to be exported free of duty unless under such special charge all the while. But master or owner may reland such goods as imports, and then export duties and Drawbacks shall be refunded.*

20. *Export duty not to be refunded after grant of port clearance — except as in S.* 19.

21. *Vessels from foreign Asiatic ports to be deemed foreign.*

22. *Country craft, &c. to anchor at a place specially to be appointed by the Collector with the sanction of the Board.—Penalty, Rs.* 100. *Vessels from the Maldives or Nicobars to be deemed British.*

I. It is hereby enacted, that from the first of June next such parts of Regulations IX. and X. 1810, Regulation XV.* 1825, and of any other Regulations of the Bengal Presidency as prescribe the levy of Transit or Inland Customs duties, or of town duties; and likewise the Schedules of duties and provisions of any kind contained in these or any other Regulations for fixing the amount of duty to be levied upon goods imported into or exported from the said Presidency by sea, shall be repealed. Provided, however, that nothing herein contained shall be construed to prevent the levy of duties at the rates now in force at the Custom Houses and Chowkies established on the line of the Jumna, or on any frontier line, upon goods crossing that line for import into, or export from the territory of the East India Company by land, nor to affect the Regulations in force for imposing and levying duties on salt, the produce of Western and Central India.

Transit and town duties in Bengal, and import and export duties on sea goods abolished.

Exception as to Jumna or any frontier line or Western or Central India Salt.

II. And it is hereby enacted, that duties of Customs shall be levied on goods imported by sea into Calcutta or into any other place within the provinces of Bengal and Orissa according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein, and the said Schedule with the notes attached thereto, shall be taken to be a part of this Act.

Import duties on sea goods to be levied according to Sch. A.

III. And it is hereby further enacted, that duties of Customs shall be levied upon Country Goods exported by sea from any port of Bengal or Orissa according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified, and the said Schedule, with the notes attached thereto, shall also be taken to be a part of this Act.

Export duties on country goods according to Sch. B.

IV. And it is hereby enacted, that no goods or articles whatsoever entered in either of the said Schedules as liable to duty, shall be exempted from the payment of such duty or of any part thereof, except under special order from the Governor

No goods entered in Schedule to be exempted from duty except by order of Government.

* *For the other Acts regulating the Customs, see the* INDEX.

Collector to have discretion as to passengers' luggage.

of Bengal.—Provided, however, that it shall and may be lawful for the Collector of Customs, or other Officer in charge of a Custom House, to pass free of duty, as heretofore, any baggage in actual use, at his discretion, and in case of any person applying to have goods passed as such, the Collector acting under the orders of the Board of Customs, Salt and Opium, shall determine whether they be baggage in actual use, or goods subject to duty, under the rules of this Act.

New duties to be levied according to existing rules.

V. And it is hereby enacted, that the Rules and Regulations now established for the levy of duties of Customs on goods imported into or exported from Calcutta, and other ports of the Presidency of Fort William in Bengal, shall continue to be in force and shall be observed and applied for the levy of the import and export duties imposed by this Act, unless repealed or altered or repugnant to the provisions thereof.

Governor may fix a place beyond which an inward vessel shall not pass until the master shall have delivered to the pilot a manifest.
Penalty for false manifest, Rs. 1000.

VI. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, by an order printed in the *Calcutta Gazette*, to fix a place in any river or port in Bengal or Orissa, beyond which place it shall not be lawful for any inward bound vessel, save and except such dhoonies and country craft as are referred to in Section 22 of this Act, to pass until the Master or Commander shall have delivered to the Pilot on board, for the purpose of being forwarded, by the public dawk or otherwise, as may be ordered by the Board of Customs, Salt and Opium, a manifest, made out in the form prescribed by Section 45, Regulation IX. 1810. And it is hereby enacted, that if the Manifest so delivered by the Master and Commander shall not contain a full and true specification of all the goods imported in the vessel, the Master or person in charge thereof, shall be liable to a fine of 1,000 Rs.; and any goods or packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, shall be liable to be seized and confiscated, or to be charged with such increased Duties as may be determined by the Board of Customs, Salt and

Opium; and if any inward bound vessel shall remain outside, or below the place so fixed by the Governor of Bengal, the Master or Commander shall, in like manner, deliver to the Pilot, so soon as the vessel shall anchor, a Manifest as above prescribed; and if any vessel entering a port for which there is a Custom House established, shall lie at anchor therein for the space of twenty-four hours, the Master and Commander whereof shall neglect to deliver the said Manifest to the Pilot on board, he shall, for such neglect, be liable to forfeit the sum of 1,000 Rs., and no entry or Port Clearance shall be given for such vessel, until the fine is paid.

Inward bound vessel remaining below the place fixed to deliver manifest on anchoring. Penalty Rs. 1000.

VII. And it is hereby enacted, that no vessel shall be allowed to break bulk until the manifest described in the preceding section of this Act, and another copy thereof to be presented at the time of applying for entry inwards, shall have been received by the Collector of Customs, and order shall have been given by the said Collector for the discharge of the cargo, and the said Collector may further refuse to give such order, if he shall see fit, until any port clearances, cocketts, or other papers known to be granted at the places from which the vessel is stated to have come shall likewise be delivered to him.

Vessel not to break bulk till Collector shall have given order for discharge of cargo.

VIII. And it is hereby enacted, that it shall be competent to the Collector of Customs at any port of Bengal or Orissa, at his discretion to send one or more officers of Customs on board of any vessel at any time, and the Custom House Officers so sent, shall remain on board of such vessel by day and by night, until the vessel shall leave the port, or until it be otherwise ordered by the Collector of Customs.

Collector may send on board one or more officers of Customs, who shall remain on board until the vessel leave port.

IX. And it is hereby enacted, that any master or person in charge of such vessel who shall refuse to receive a Custom House Officer on board when so deputed as above provided, or shall not afford such officer suitable shelter and sleeping accommodation while on board, shall be liable to fine, not exceeding the sum of 500 Rupees for each day during which such officer shall not be received and provided with suitable

Penalty for refusing to receive or to give suitable accommodation to Custom House Officer, Rs. 500 per diem.

shelter and accommodation, which fine shall be adjudged by and at the discretion of the Board of Customs, Salt and Opium at Calcutta, and the vessel by the master or person in charge of which such fine shall have been incurred, shall not be moved until the same shall be paid.

Collector may order search by written warrant, and officer bearing it may break open cabins, &c. if not opened on requisition. Concealed goods to be confiscated.

X. And it is hereby enacted, that whenever a Collector of Customs shall see cause to direct, that any vessel shall be searched, he shall issue his warrant or written order for the same, addressed to the Custom House Officer on board, or to any other officer under his authority, and upon production of such order, the officer bearing it shall be competent to require any cabins, lockers or bulk-heads to be opened in his presence, and if not opened upon his requisition, to break the same open, and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs, shall be confiscated; and any master or person in charge of a vessel, who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence, to a fine of 1,000 Rupees, to be adjudged by any Magistrate or Justice of the Peace of the place.

Penalty for resisting, Rs. 1000.

Goods not to be landed or put on board, till order for discharge of cargo be given; and after entry, cargo to be sent to land, except such part as may be declared for re-exportation. Export cargo to be laden on board according to existing rules.

XI. And it is hereby enacted, that no goods shall be allowed to leave any vessel, or to be put on board thereof until entry of the vessel shall have been duly made in the Custom House of the port, and order shall have been given for discharge of the cargo thereof as above provided, and it shall be the duty of the Custom House Officer on board, and of all officers of Customs, to seize as contraband any goods which shall have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from or to put on board of any vessel in contravention of the above provision. And after entry of the vessel at the Custom House in due form, such part of the cargo as may not be intended and declared for re-exportation in the same vessel shall be sent to land. And export cargo shall be laden on board thereof according to the rules and

practice now in force, and if an attempt be made to land or put on board goods or merchandize in contravention thereof, the goods or merchandize shall be liable to seizure and confiscation.

Goods not duly manifested to be seized on board.

XII. Provided, however, and it is hereby enacted, that no goods shall be allowed to leave any vessel under the said rules, unless the same be duly manifested, and any goods found on board in excess of the manifest, or not corresponding with the specification and description therein contained, shall be seized by the Custom House Officer on board, in order that they may be dealt with as prescribed in section 6 of this Act; and if goods entered in the manifest shall not be found on board the vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom House, or at such other ghaut or place as the Collector of Customs shall have prescribed or permitted, there to be passed in due form, the master or commander shall be liable to a penalty not exceeding 500 Rupees for every missing or deficient package of unknown value, and for twice the amount of duty chargeable on the goods deficient and unaccounted for, if capable of being assessed therewith. Provided, however, that nothing herein contained, shall be construed to prevent the Collector of Customs from permitting the master or commander of any vessel, to amend obvious errors or to supply omissions from accident or inadvertence by furnishing an amended or supplemental manifest, but the receiving of such shall always be discretionary.

Penalty of 500 Rs. for every missing or deficient package of unknown value, or twice the amount duty if the value of the package be known.

Collector may of his own discretion allow the master to furnish an amended manifest.

XIII. And it is hereby enacted, that any Custom House Officer whatsoever who shall demand or accept any gratuity not authorized by any existing Regulation or order of Government in consideration of doing, or of omitting to do, any act in his official capacity, shall forfeit for every such offence, the sum of 500 Rupees; and any person who shall offer a bribe to any Custom House Officer in order to induce such officer to act in a manner inconsistent with his duty, shall forfeit a like sum; and these penalties shall be adjudged on conviction

Penalty of Rs. 500 on Custom House Officer demanding or accepting any unauthorized gratuity, and on any person offering a bribe to such officer.

before any Magistrate or Justice of the Peace of the town, district, or place where the Custom House may be established by such Magistrate, and in default of payment, any person so convicted shall be committed to the civil jail of the city or district until the fine be paid, or for a period not exceeding six months.

Collector may adjudicate on goods seized, and if he confiscate to report for confirmation to the Board.

XIV. And it is hereby enacted, that when goods shall be seized as contraband and liable to confiscation, the Collector of Customs shall investigate the case, and, according to his judgment, shall either release the goods or adjudge them to confiscation; and whenever he shall declare goods to be confiscated, he shall report his proceeding for confirmation and final adjudication by the Board of Customs, Salt and Opium. Provided, however, that nothing herein contained shall be construed to prevent the Governor of Bengal from ordering the release of goods seized, or from remitting any penalty whatsoever that may be incurred for contravention of the Customs laws.

A period of 20 to 30 days according to tonnage allowed for discharge of import cargo.
After which master to be liable for Custom House Officer's charges, and may land goods if consignees do not.
If both fail Collector may land and warehouse for security of duties and after 3 months may sell uncleared goods.

XV. And it is hereby further enacted, that twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons burthen; and thirty days, exclusive of Sundays and holidays, for the discharge of the import cargo of vessels exceeding that burthen: and the said periods shall be calculated from the day of the tide waiter or other Custom House Officer first going on board. And if the whole cargo be not discharged by the expiration of the above stated periods respectively, the master or commander shall be charged with the tide waiter's or other officer's wages, and other expenses for any further period that he or they may be detained on board. And if the owners, importers or consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the master or commander so to do. And if any goods remain on board after the time fixed as above for the discharge of the import cargo, the Collector may order the same to be landed and warehoused for the security of the duties chargeable, and

of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the same. Provided always, that in all cases it shall be lawful for the Collector or other officer in charge of the Custom House, with the consent of the master of the vessel, to cause any packages to be brought on shore and to be deposited in the Government warehouse for the security of the duties and charges thereon, although twenty days may not have expired from the entry of such vessel; and in case goods so landed and warehoused, or any goods brought to land from any vessel be not claimed and cleared from the Custom House within three months from the date of landing, it shall be competent to the Collector to sell the same on account of the duties, freight and other charges incurred and due thereon.

For continuous loading of export cargo 15 or 20 days to be allowed.

But if vessel be laid up the Custom House Officer shall be withdrawn after certificate of no goods on board.

On entry outwards, after being laid up, and after fresh certificate, 20 to 30 days shall be allowed according to tonnage for loading export cargo.

XVI. And it is hereby enacted, that a further period of fifteen days, Sundays and holidays excluded, shall be allowed for putting on board export cargo if the vessel shall not exceed six hundred tons burthen, and twenty days, if exceeding that burthen, when the lading and unlading thereof shall be continuous; and the master or commander shall in such case, not be charged with the wages and expenses of the Custom House Officer on board until after the expiration of such additional periods respectively. And if a vessel having discharged its import cargo shall be laid up, the Custom House Officer on board shall be withdrawn so soon as he shall certify that no goods remain on board, excepting necessary stores and articles for use; and when a vessel so laid up, shall be entered at the Custom House for receipt of export cargo, a Custom House Officer shall be sent on board, and if the said last-mentioned Officer shall certify that no goods are on board saving as above excepted, twenty days, exclusive of Sundays and holidays as above, shall be allowed from the date of such certificate for the lading outwards of a vessel not exceeding six hundred tons, and thirty days for vessels exceeding that burthen, after which periods respectively, the master and commander shall be charged with the wages and expenses of the Custom House Officer on board to the date of the vessel's sailing from the port.

Port clearance may be refused till any penalty incurred shall be paid.

XVII. And it is hereby enacted, that if any person in charge of a vessel shall have become liable to any penalty, fine or demand, on account of any act or omission relating to Customs, the Collector of Customs shall be competent, subject to the orders of the Board of Customs, Salt and Opium, to refuse port clearance to such vessel until the fine shall be discharged.

Goods shipped after port clearance to pay double duty; or if free, 5 per cent.

XVIII. And it is hereby enacted, that upon any goods passed through the Custom House for shipment, the application for which shall be presented after port clearance shall have been taken out, double the prescribed duty shall, in all cases, be levied, and if the goods be free, five per cent. upon the market value shall be levied thereon.

In case of re-landing cargo for damage, or other cause, Custom House Officer shall take charge.

Goods not to be exported free of duty, unless under special charge during the whole interval.

XIX. And it is hereby enacted, that when a vessel having cleared out from any port shall put back from stress of weather, or it shall, for any damage or from other cause, be necessary that the cargo of a vessel that has cleared out, shall be unshipped or re-landed, a Custom House Officer shall be sent to watch the vessel and take charge of the cargo during such re-landing or removal from on board; and the goods on board such vessel shall not be allowed to be transhipped or re-exported, free of duty, by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other vessel, under special charge of the officers of Customs until the time of re-export; and all charges attending such custody, shall be borne by the exporter or by the applicant for this advantage. Provided, however, that in all cases of return to port after port clearance on account of damage or for stress of weather, it shall be lawful for the owner, or for the master and commander, to re-enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be re-claimed, and the goods be placed in all respects as before being passed for exportation; and if goods,

But master or owner may re-land goods as imports and export duty and drawback shall then be refunded.

on account of which drawback has been paid, be not found on board the vessel, the master shall forfeit the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

Export duty not to be refunded after port clearance, except as in S. 19.

XX. And it is hereby enacted, that when goods shall be relanded before the lading of any vessel is complete and port clearance has been granted, the duty levied upon such goods, shall be returned to the exporter; but no refund shall be made of duty paid on the export of any goods after port clearance shall have been granted for the vessel on which the goods were exported, except the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in section 19 of this Act.

Vessels from foreign Asiatic ports to be deemed foreign.

XXI. And it is hereby further enacted, that vessels owned by natives of Arabia and coming from the ports thereof, and likewise the vessels of any country or port of Asia not subject to the dominion of the King of the United Kingdom of Great Britain and Ireland, excepting dhoonies and small craft from the Maldives and Nicobar islands as herein under provided, shall be deemed foreign vessels.

Country craft, &c. to anchor at a place specially appointed under penalty of Rs. 100.

Country vessels from the Maldives or Nicobars to be considered British.

XXII. And it is hereby enacted, that dhoonies, country craft, and other small vessels, not brought into the port of Calcutta by pilots, shall be required to anchor and moor in such part of the river Hooghly as shall be marked out by the Collector of Customs, with the sanction of the Board of Customs, Salt and Opium; and if any such vessel shall anchor in any other part of the river than as so marked out, and the master or person in charge thereof shall not immediately upon being ordered so to do move his vessel to the place marked out, he shall be liable to a fine of 100 Rupees, to be adjudged by the Collector of Customs, and the vessel or any part of its equipment or cargo may be seized and sold in satisfaction of such fine, and goods shall be landed from such vessels and put on board for export according to such rules and at such places as shall be prescribed by the Collector of Customs, and vessels of this description coming from the

Maldives, or from the Nicobar islands shall be considered as British vessels.

SCHEDULE A.*

Rates of Duty to be charged on Goods imported by Sea into any part of the Presidency of Fort William in Bengal.

No.	*Enumeration of Goods.*	*When Imported on British† Bottoms.*	*When Imported on Foreign† Bottoms.*
1	Bullion and Coin, ...	Free	Free.
2	Precious Stones and Pearls,......	Ditto	Ditto.
3	Grain and Pulse, ...	Ditto	Ditto.
4	Horses and other Living Animals, ...	Ditto...............	Ditto.
5	Ice,...............	Ditto	Ditto.
6	Coal, Coke, Bricks, Chalk and Stones,...............	Ditto	Ditto.
7	Books printed in the United Kingdom, or in any British Possession, ...	Ditto	3 per cent.
8	Foreign Books,...............	8 per cent.	6 per cent.
9	Marine Stores, the produce or manufacture of the United Kingdom, or of any British Possession, ...	3 per cent.	6 per cent.
10	Ditto ditto the produce or manufacture of any other place or country, ...	6 per cent.	12 per cent.
11	Metals wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession, ...	3 per cent.	6 per cent.
12	Metals, ditto ditto excepting tin, the produce or manufacture of any other place,...	6 per cent.........	12 per cent.
13	Tin, the produce of any other place than the United Kingdom, or any British Possession, ...	10 per cent.	20 per cent.
14	Woollens, the produce or manufacture of the United Kingdom, or any British Possession,...............	2 per cent.........	4 per cent.
15	Do. the produce of any other place or country,...............	4 per cent.........	8 per cent.
16	Cotton and Silk piece goods, Cotton twist and yarn, the produce of the United Kingdom, or of any British Possession,...............	$3\frac{1}{2}$ per cent.	7 per cent.

* *The whole of this Schedule and of Schedule B. are repealed by Act VII. 1859 except as relates to the duties chargeable on salt and opium.*

† *The distinction between British and Foreign bottoms was abolished by Act No. VI. 1848.*

SCHEDULE A.—(*Continued.*)

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
*17	Do. the produce of any other place,	7 per cent.	14 per cent.
18	Opium,	24 Rs. per seer of 80 tolas ...	24 Rs. per seer of 80 tolas.
19	Salt,	Rs. 3-4 per md. of 80 tolas per seer	Rs. 3-4 per md. of 80 tolas per seer.
20	Alum,	10 per cent.	20 per cent.
21	Camphor,	10 per cent.	20 per cent.
22	Cassia,	10 per cent.	20 per cent.
23	Cloves,	10 per cent.	20 per cent.
24	Coffee,	7½ per cent.	15 per cent.
25	Coral,	10 per cent.	20 per cent.
26	Nutmegs and Mace,	10 per cent.	20 per cent.
27	Pepper,	10 per cent.	20 per cent.
28	Rattans,	7½ per cent.	15 per cent.
29	Tea,	10 per cent.	20 per cent.
30	Vermillion,	10 per cent.	20 per cent.
31	Wines and Liqueurs,	10 per cent.	20 per cent.
32	Spirits, consolidated duty, including that levied heretofore through the Police of Calcutta,	9 as. per imperial gallon.	16 as. per imperial gallon.
	And the duty on spirits shall be rateably increased as the strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the imperial gallon		
33	All Articles not included in the above enumeration,	3½ per cent.	7 per cent.

And when the duty is declared to be *ad valorem* it shall be levied on the market value without deduction, and if the Collector of Customs shall see reason to doubt whether the

* *This article was extended by Act XV.* 1844, *to all foreign manufacture of silk or cotton, or of silk and cotton mixed with any other material. But Act XV.* 1844 *has been repealed by Act IX.* 1845, *the Schedule of which raised the duties on these articles from* 7 *and* 14 *to* 10 *and* 20 *per cent. respectively. That Schedule, however, was also repealed by Act VII.* 1859, *and an ad valorem rate of* 10 *per cent. fixed. Act IX.* 1845, *had also repealed the Schedule in the text with regard to articles* 9—12, 14—17 *and* 31—33. *But as both the Schedules of the Act in the text as well as the Schedule of Act IX.* 1845 *have been rescinded except in respect of salt and opium, it is perhaps scarcely necessary to dwell much on the intermediate changes.*

goods come from the country from which they are declared to come by the importer, it shall be lawful for the Collector of Customs to call on the importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the goods shall be charged with the highest rate of duty, subject always to an appeal to the Board of Customs, Salt and Opium.

And upon the re-export by sea of goods imported, excepting opium and salt, provided the re-export be made within two years of the date of import as per Custom House Register, and the goods be identified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of duty levied, and the remainder shall be repaid as drawback. And if goods be re-exported in the same ship without being landed (always excepting opium and salt, in regard to which the special rules in force shall continue to apply,) there shall be no import duty levied thereon.

SCHEDULE B.

Rates of Duty to be charged upon Goods exported by Sea from any Port or Place in the Presidency of Fort William in Bengal.

No.	*Enumeration of Goods.*	*Exported on British Bottoms.*	*Exported on Foreign Bottoms.*
1	Bullion and coin, ...	Free	Free.
2	Precious stones and pearls, ...	Ditto.	Ditto.
3	Books printed in India, ...	Ditto.	Ditto.
4	Horses and living animals, ...	Ditto.	Ditto.
5	Opium purchased at Government sales in Calcutta, ...	Ditto.	Ditto.
6	Cotton wool exported to Europe, the United States of America or any British Possession in America, ...	Ditto	8 as. per md. of 80 tolas to the seer.
7	Ditto ditto exported to places other than above, ...	8 as. per md. of 80 tolas per seer,	16 as. per md. of 80 tolas to the seer.
*8	Sugar and rum exported to the United Kingdom, or to any British Possession, ...	Free	3 per cent.

* *See Act No. XVI. of* 1837, *Sec.* 11.

SCHEDULE B.—*Continued.*

No.	*Enumeration of Goods.*	*Exported on British Bottoms.*	*Exported on Foreign Bottoms.*
9	Ditto exported to any other place,	3 per cent.	6 per cent.
10	Grain and pulse of all sorts,	1 anna per bag not exceeding 2 mds. of 80 tolas to the seer, or if exported otherwise than in bags ½ an anna per maund,	2 as. per bag not exceeding 2 maunds of 80 tolas to the seer, or if exported otherwise than in bags, 1 anna per maund.
11	Indigo,	3 Rs. per maund of 80 tolas to the seer,	Rs. 6 per md. of 80 tolas to the seer.
12	Lac-dye and shell lac,	4 per cent.	8 per cent.
13	Silk, raw filature,	3½ as. per seer of 80 tolas,	7 as. per seer of 80 tolas.
14	Silk, Bengal wound,	3 as. per seer of 80 tolas,	6 as per seer of 80 tolas.
15	Tobacco,	4 as. per md.	8 as. per md.
16	All country articles not enumerated or named above,	3 per cent.	6 per cent.

And when the duty is declared to be *ad valorem*, the same shall be levied on the market value of the article at the place of export, without deduction.

And in settling for the duties on exports by sea, credit shall be given for payment of Inland Customs duty, and *Drawback shall be allowed** of any excess of duty paid upon production of ruwanas under the following conditions, until the first April, 1837 :

First.—That the goods shall be identified, and destination to the port of export proved in the usual manner.

Second.—That the rowanas shall bear date before the first April, 1836, and the goods shall not have been protected thereby, or by the original thereof, more than two years.

And after the said first April, 1837, credit shall not be given, nor shall drawback be allowed, of any Inland Customs or land frontier duty, paid at any Custom House or Chowkee of

* *The words in italics are repealed with regard to cotton wool by Act XXXV, 1855, sec. 2.*

the Jumna frontier line, or of Benares, except only upon the article of cotton wool covered by rowanas taken out at the Custom Houses of the Western Provinces, and proved to have been destined for export by sea when passed out of those provinces.

ACT No. XV. OF 1836.

Repealed by Act XXXI, of 1850.

MADRAS.

ACT No. XVI. OF 1836.

1. *Additional Government Commissioner appointed by Regulation IV, 1833, may nominate vakeels in his office, who, if approved, shall receive sunnuds.*
2. *Commissioners may suspend vakeels, reporting reasons.*
3. *Provincial Courts may dismiss vakeels suspended.*
4. *Commissioner to frame rules for the practice and remuneration of vakeels.*
5. *No person to act as vakeel except as directed under this Act.*

The additional Government Commissioner may nominate vakeels in his office, who if approved shall receive sunnuds.

I. It is hereby enacted, that from the 1st day of August, 1836, it shall be lawful for the Additional Government Commissioner appointed by Regulation IV. of 1833, of the Madras Code, to nominate for the approbation of the Provincial Court of the centre division any person whom the said Commissioner may think fit to be a vakeel in the office of the said Commissioner; and if the Provincial Court shall approve of such nomination, the person nominated shall be appointed a vakeel in the office of the said Commissioner, and shall receive a sunnud of appointment on unstamped paper, duly authenticated by the said Commissioner.

Commissioner may suspend vakeels, reporting his reasons.

II. And it is hereby enacted, that it shall be lawful for the said Commissioner to suspend any such vakeel from his functions, but in every such case, the said Commissioner shall forthwith report such suspension and the grounds thereof to the said Provincial Court.

III. And it is hereby enacted, that it shall be lawful for the said Provincial Court to dismiss any such vakeel. Provincial Court may dismiss vakeels suspended.

IV. And it is hereby enacted, that the said Commissioner shall frame with all convenient speed, a body of rules for the practice and remuneration of the vakeels of his office, and shall submit the same to the Court of Sudder Adawlut of Fort St. George, and that the said rules, when approved by the said Court of Sudder Adawlut, shall be of the same force as if they were inserted in this Act. Commissioner to frame rules for the practice and remuneration of vakeels.

V. And it is hereby enacted, that no person not appointed a vakeel in the manner directed by this Act, or under suspension, or after dismission, shall act as a vakeel in the office of the said Commissioner. No person to act as vakeel except as directed under this Act.

ACT No. XVII. OF 1836.

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1. When any of the territories lately held by the Begum Sumroo shall be annexed to any district, the laws in force in such district shall be in force in such territories also.

2. The Criminal Courts shall not take cognizance of any offence prior to 27th January, 1836, unless specially empowered.

3. No Civil Court shall take cognizance of any claim previously adjudicated on by a competent Court.

I. It is hereby enacted, that whenever the Governor-General in Council shall order, that any of the territories which were lately held by the Begum Sumroo, and which lapsed to the East India Company on the 27th of January, 1836, shall be annexed to any district under the Government of the said Company, all laws and regulations now in force within such district shall be in force in the territories so annexed to such district. When any of the territories lately held by Begum Sumroo, shall be annexed to any district, the laws in force in such district, shall be in force in such territories also.

II. And it is hereby enacted, that the Criminal Courts shall not take cognizance of any offence committed in the said territories previously to the 27th of January, 1836, unless specially empowered by the Governor-General in Council so to do. The Criminal Courts shall not take cognizance of any offence prior to 27th Jan., 1836, unless specially empowered.

No Civil Court shall take cognizance of any claim previously adjudicated on by a competent Court.

III. And it is hereby enacted, that no Court of civil judicature shall take cognizance of any claim within the said territories, with respect to which claim a final decision may have been previously pronounced by any Court, which at the time of pronouncing such decision, was competent to pronounce such decision.

ACT No. XVIII. OF 1836.

Repealed by Act II. of 1837.

ACT No. XIX. OF 1836.

Repealed by Act VI. of 1839 *save as to particulars referred to therein and Act VI.* 1839 *has itself been repealed by Act IV.* 1862, *except in so far as it repeals any former Charter, Regulation or Act, and except as to any act or offence done or committed, or any liability incurred before Act IV.* 1862, *came into operation.*

BENGAL.

ACT No. XX. OF 1836.

1. *Regulation XI.* 1822, *Sec.* 3, *part of Clause* 3, *repealed.*
2. *Butwarra while in progress shall be quashed only as herein provided.*
3. *Board may quash a butwarra after six months' notice affixed in Collector's and Moonsiff's offices, if no objection be raised.*
4. *Acts done before* 1*st Oct.* 1836 *legalized.*

Regulation XI. 1822, Sec. 3, part Cl. 3, repealed.

I. It is hereby enacted, that from the 1st day of October 1836, so much of Clause 3, Section 3, Regulation XI. of 1822 of the Bengal Code, as provides "that joint estates shall not be liable to sale for arrears that may accrue during the progress of a butwarra or partition, until the expiration of the year within which the arrear may become due"—be repealed.

Butwarra while in progress shall be quashed only as herein provided.

II. And it is hereby enacted, that from the said first day of October, 1836, no butwarra, while in progress, shall be quashed by the Board of Revenue, or by any officer invested with the powers of the said Board, except as hereinafter provided.

III. And it is hereby enacted, that it shall be lawful for the said Board, or for any of the said officers, to give six months' notice in writing of an intention to quash any butwarra; and such notice shall be affixed at the offices of the Collector of the district and Moonsiff of the jurisdiction, within which the lands under partition, or part of those lands, may be situated; and if within six months after such notice, no party to the said butwarra shall deliver to the said Collector a written declaration, that he, the said party, objects to the quashing of the said butwarra, it shall be lawful for the said Board or the said officer to quash the said butwarra.

Board may quash a butwarra after 6 months' notice affixed in Collector's and Moonsiff's offices, if no objection be raised.

IV. And it is hereby enacted, that every butwarra which, before the said first day of October, 1836, may have been quashed by the said Board, or by any of the said officers, shall be taken by all Courts to have been lawfully quashed.

Acts done before 1st Oct. 1836, legalized.

ACT No. XXI. OF 1836.

BENGAL.

The Governor-General in Council may, by order in Council, create new zillahs, and alter the limits of existing zillahs.

It is hereby enacted, that from the first day of October, 1836, it shall be lawful for the Governor-General in Council, by an order in Council, to create new zillahs in any part of the Presidency of Fort William in Bengal, and to alter the limits of existing zillahs.



ACT No. XXII. OF 1836.

BENGAL.

1. *Reg. VII. 1810, and part of Reg. XVIII. 1806, repealed.*

2. *The Government may prescribe the amount of toll on boats &c. entering in or passing out of or through the Eastern Canal.*

3. *But the aggregate toll shall not exceed the sum specified in this section.*

5. *Government may appoint Collectors of tolls and give them certain magisterial powers.*

6. *Penalty for wilful obstruction or damage to the bank, 14 days imprisonment or fine of 50 rupees or both.*

7. *Notifications of rates and of places of collection and of all rules to be published in the Calcutta Gazette and exposed in every toll house.*

8. *If the toll or rent be not paid on demand, the boat and cargo may be seized and after ten days sold, the excess proceeds to be returned to the owner.*

9. *If persons in charge attempt to evade or resist, the boats &c. shall be forfeited.*

Reg. VII. 1810 and parts of Reg. XVIII. 1806 repealed.

I. It is hereby enacted, that from the first day of November, 1836, Regulation VII. of 1810 of the Bengal Code, and also such parts of Regulation XVIII. of 1806 of the Bengal Code as relate to the Eastern canal, commonly called "Tolly's Nullah," which connects the river Hooghly with the Sunderbunds, shall be repealed.

The Governor may prescribe the amount of toll on boats, &c. entering in or passing out of or through the Eastern canal.

II. And it is hereby enacted, that from the said first day of November, 1836, the Governor of Bengal shall be competent to prescribe the amount of toll, and the mode of levying the same, on boats, rafts and floats, which shall enter on, or pass out of, or through, either of the two lines of navigation hereinafter described—that is to say,

1st. The Eastern canal aforesaid, from its entry into the Sunderbunds to its junction with the river Hooghly.

2nd. The line made up of the channel across the Salt-water Lake to Baminghatta, of the canal leading from the Salt-water Lake to the Boitakhana road, and of the new Circular Canal which connects the last-mentioned canal with the river Hooghly.

But the aggregate toll shall not exceed the sum specified in this Section.

III. Provided always, that the aggregate amount of toll levied on account of the whole passage along either of the two lines aforesaid, or on account of entering into, or passing out of, either of the two lines aforesaid, shall in no case exceed one rupee and a half for every hundred maunds burden on any boat, or two annas for every timber, on every raft of timber, or four annas for every hundred bamboos, on every float of bamboos.

IV. *Repealed by Act X. 1853.*

V. And it is hereby enacted, that the said Governor shall be competent to appoint officers for the collection of the tolls and rent hereinbefore mentioned, and to confer on such officers for the purpose of preventing acts whereby either of the said lines of navigation may be obstructed, or whereby the banks along either of the said lines of navigation may be damaged, any or all the powers possessed by Magistrates in respect to navigable streams and rivers.

Governor may appoint Collectors of tolls and give them certain Magisterial powers.

VI. And it is hereby enacted that whoever wilfully causes any obstruction of either of the said lines of navigation or any damages to the banks along either of the said lines of navigation, shall be punishable, on conviction before the Magistrate, with imprisonment for a term not exceeding fourteen days, or fine to an amount not exceeding 50 Rupees, or both; and in default of payment of such fine, with additional imprisonment for fourteen days.

Penalty for wilful obstruction or damage to the banks.

VII. And it is hereby enacted, that notifications of the rates of toll and rent, and of the places of collection, and of all rules made by the said Governor under the authority given to him by this Act, shall be published in the Calcutta Gazette, and exposed to public view at every toll-house on either of the said lines, in the English, Persian and Bengalee tongues.

Notifications of rates of places of collection and of all rules to be published in the Calcutta Gazette and exposed in every toll-house.

VIII. And it is hereby enacted that if the toll or rent due in respect of any boat, raft or float, on either of the said lines, shall not be paid on demand to an officer authorised by the said Governor to receive the same, it shall be lawful for such officer to seize such boat, raft or float, and the cargo thereof and to detain the same; and if the said toll or rent shall have been paid upon any day before the tenth day after such seizure, then the said boat, raft or float shall be released, or if not paid within the said ten days it shall be lawful for such officer, with the sanction and under the directions of the Superintendent of Canals, to sell the property seized or so much thereof as the said Superintendent shall direct, for the purpose of satisfying the toll or rent which may be due, and

If the toll or rent be not paid on demand, the boat and cargo may be seized and after ten days sold.

also of defraying the expenses of seizure and detention. And in every such case, so much of the property seized which has not been sold, and so much of the price of the property sold as is in excess of the sum necessary for satisfying the toll or rent which is due, and for defraying the expenses of seizure and detention, shall be returned to the owner of the boat, raft or float.

If person in charge attempt to evade or resist, the boat, &c. shall be forfeited.

IX. And it is hereby enacted, that if any person in charge of any boat, raft or float, shall attempt to evade payment of the toll or rent due thereon, or shall resist a seizure made by the authority and under the circumstances hereinbefore described, such boat, raft or float and the cargo thereof, shall be forfeited to the Government under orders of the Superintendent subject to appeal to the Commissioner of Revenue and Police.

MADRAS.
Ganjam.

Repealed by Act XXIV. 1839.

ACT No. XXIII. OF 1836.

1. *Ordinary functions of Civil, Criminal and Revenue Courts suspended till revived by proclamation.*

2. *The Governor in Council may appoint a Commissioner with instructions from time to time.*

3. *The jurisdiction of Court of Circuit and Sudder Adawlut not affected in cases pending.*

4. *Those Courts to have jurisdiction over persons committed for trial by Commissioner.*

The ordinary functions of courts to be suspended till revived by proclamation.

I. It is hereby enacted, that from the 15th day of November, 1836, the ordinary functions of the Courts of Civil and Criminal justice and of the constituted Revenue authorities, as well as the operation of the whole of the existing regulations, shall be suspended within the zemindarees of Goomsur and Soorada, and shall continue to be so suspended until this Act shall be repealed, or until such time as the Governor in Council of Fort St. George shall, by an order in Council and proclamation, declare that the ordinary regulations shall be again put in force within those zemindarees.

The Governor may appoint a Commissioner, who shall act under instructions.

II. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George to appoint a Commissioner for the said zemindarees, who shall exercise such powers as may be entrusted to him by the said Governor in Council of Fort St. George, and shall be guided in the discharge of his duties and functions by such instructions, as he from time to time shall receive from the said Governor in Council.

Pending cases not to be affected by this Act.

III. And it is hereby enacted, that nothing in this Act shall be construed to affect the jurisdiction of the Court of Circuit or Court of Sudder Foujdaree Adawlut, in any case which may be depending before either of these Courts on the 15th day of November, 1836.

Court of Circuit and Sudder Foujdaree Adawlut to have jurisdiction over persons committed for trial by Commissioner.

IV. And it is hereby enacted, that the Court of Circuit and Court of Sudder Foujdaree Adawlut shall have criminal jurisdiction over every person whom the Commissioner, in Goomsur and Soorada, under the instructions of the Governor in Council of Fort St. George, may commit for trial, on the charge of any crime perpetrated before or during the operation of this Act, and in all such cases, the Court of Circuit and of Sudder Foujdaree Adawlut shall be guided by the general Regulations in force.

ACT No. XXIV. OF 1836.

MADRAS and BOMBAY.

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1. *What officers in Madras to be designated Principal Sudder Ameens.*
2. *What officers in Bombay to be called Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.*
3. *Those officers to be eligible from any class.*
4. *And, if British-born subjects, to be amenable to the ordinary jurisdiction.*
5. *No person exempt from the civil jurisdiction of Assistant Judges in the Bombay presidency.*

What officers in Madras to be designated Principal Sudder Ameens.

I. It is hereby enacted, that the officers who in the Regulations of the Presidency of Fort St. George are designated as Native Judges and Criminal Judges, shall, from the 1st

day of November, 1836, be designated as Principal Sudder Ameens.

What officers in Bombay to be called Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.

II. And it is hereby enacted, that from the said first day of November, 1836, the officers who in the Regulations of the Presidency of Bombay are designated as Native Judges, shall be designated as Principal Sudder Ameens; and the officers who in the said last mentioned Regulations are designated as Principal Native Commissioners, shall be designated as Sudder Ameens, and the officers who in the said last mentioned Regulations are designated as Junior Native Commissioners, shall be designated as Moonsiffs.

Those officers to be eligible from any class.

III. And it is hereby enacted, that from the said first day of November, 1836, no person whatever shall, by reason of place of birth or by reason of descent, be incapable of being a Principal Sudder Ameen, Sudder Ameen, or Moonsiff, within the territories subject to the Presidencies of Fort St. George and of Bombay.

And, if British-born subjects, to be amenable to the ordinary jurisdiction.

IV. And it is hereby enacted, that every British-born subject of the King, or descendant of such British-born subject, who shall be appointed a Principal Sudder Ameen, Sudder Ameen, or Moonsiff in the territories subject to the presidency of Fort St. George or of Bombay, shall, in respect of all acts done by him as such Principal Sudder Ameen, Sudder Ameen, or Moonsiff, be liable to the same proceedings, as well Criminal as Civil, and shall be amenable to the jurisdiction of the same tribunals, as if he were not of British birth or descent.

No person exempt from the civil jurisdiction of the Assistant Judges in the Bombay presidency.

V. And it is hereby enacted, that from the said first day of November, 1836, no person shall, by reason of place or birth, or by reason of descent, be exempted in any civil proceeding from the jurisdiction of the Assistant Judges in the territories subject to the Presidency of Bombay.*

* *This section, so far as it is applicable to any proceeding under Act VIII.* 1859, *is repealed by Act X.* 1861. *It is supplemental to Act No. XI.* 1836.

ACT No. XXV. OF 1836.

1. *Government of presidencies may declare warehousing ports.*

2. *Importers may then lodge goods in public or private licensed warehouse.*

3. *Application to be in Form A. after assessment of duty, and warehouse keeper to be responsible according to assessment, allowing for wastage.*

4. *Under-statement of goods by tale or package to be punishable by fine. Over-statement may be rectified before, but not after, lodgment in warehouses.*

5. *Packages to be numbered, marked, and initialed before reception.*

6. *When duty exceeds Rs. 100, importer may give a bond for it in Form B. and the goods may then remain for 15 months without demand of duty.*

7. *But Collector may proceed against the goods or under the bond at his option; and may detain goods, and after 10 days sell them if the demand be not paid, writing off the proceeds on the bond, and paying over the surplus to the owner.*

8. *The Board may allow the bond to be renewed after 15 months, for 15 months more.*

9. *Goods relanded from a ship put back may be re-warehoused without bond and re-exported without further duty—with one exception.*

10. *Bond to be cancelled, on payment of all reserved duty charges and penalties, on re-exportation by sea.*

11. *Full import duty, charges and penalties to be demanded, if goods not cleared within the time, or removed, but not for exportation.*

12. *Removal to be endorsed on the bond with specification of certain particulars.*

13. *Such particulars to be entered in register, and when registry shows all the bonded goods to be withdrawn, the Collector shall cancel and deliver over the bond.*

14. *What to be public warehouses. Keeper of warehouse to have lock and key and be responsible.*

15. *Board of Customs to determine what goods shall be admitted, and to expose conspicuously a table of rates in the warehouses.*

16. *Owners, consignees or their agents to have access in business hours in presence of Custom House Officer.*

17. *Expence of carriage, packing and stowage to be defrayed by owner before removal. Rent bill and warehouse dues to be paid monthly, and Collector to have power to sell goods after ten days in case of non-payment. Owners to have no claim for compensation, except in case of injury by wilful act, or neglect.*

18. *Table of wastage to be allowed on warehouse goods.*

19. *Board of Customs may license private warehouses, but license to be revocable at pleasure, unless otherwise specially stipulated.*

20. *Form of applications for license.*

21. *Collector or warehouse-keeper to have access to any licensed warehouse. Proprietor refusing to admit him to be liable to a fine of Rs. 1,000 and cancelment of license. Bonds for duty to become due in such case, 7 days after notice of cancelment of license.*

22. *If goods be found deficient beyond the wastage allowance, the owner, &c. shall forfeit 10 times the duty chargeable on the deficiency, same provision as to goods in excess; goods not to be removed until payment.*

23. *Collector may issue written warrant for goods to be opened and examined, and the same shall be resealed and shall not be re-opened except by leave of the Board or on application by owner.*

24. *Goods to be stamped on reception into or delivery from warehouse, and fine of Rs. 500 for removing stamp or changing contents. Owner may take samples by permission.*

25. *Goods not to be removed except under application to Collector.*

26. *If a package be broken, the entire duty to be levied on all the contents.*

27. *Application for removal to be made in Form B and ordinarily after 24 hours' notice.*

28. *Application for removal from one warehouse to another to be in Form E.*

29. *No duty on warehoused goods destroyed by fire &c. Case of goods damaged while in warehouse.*

30. *Penalties under this Act to be adjudged by Collector subject to confirmation by Board.*

Government of presidencies may declare warehousing ports.

I. It is hereby enacted, that it shall be lawful for the Governor, or Governor in Council of any Presidency, to declare any port within the territories of such Presidency, a warehousing port.

Importers may then lodge goods in public or private licensed warehouse.

II. And it is hereby enacted, that it shall be lawful for any person who imports goods into any such warehousing port, to lodge such goods in any public warehouse, or in any private warehouse licensed in the manner hereinafter described.

Applications to be made in Form A. after assessment of duty, and warehouse keeper to be responsible according to assessment, allowing for wastage.

III. And it is hereby enacted, that applications shall be made for the admission of such goods into such warehouses as aforesaid in the Form A. annexed to this Act, and the said Form shall be signed by the importer, owner, or consignee; and no goods shall be lodged in any such warehouse, until they shall have been assessed for customs duty according to the rules in force at the place of importation, and the keeper of

every such warehouse shall be answerable for the weight or guage reported by the Custom House Officers, who shall have assessed the said goods, deducting the wastage hereinafter allowed.

Under-statement of goods by tale or package to be punishable by fine. Over-statement may be rectified before, but not after lodgment in warehouse.

IV. And it is hereby enacted, that when goods shall be passed by tale or by package, every omission or misdescription tending to injure the revenue shall be an offence punishable with fine, not exceeding ten times the greatest amount of duty which could have been lost to the Government in consequence of such omission or misdescription; and if goods shall have been overstated in quantity or value, the error may be rectified prior to the lodging of the said goods in such warehouse as aforesaid, but not after the said goods have been so lodged.

Packages to be numbered marked, and initialed before reception.

V. And it is hereby enacted, that no packages of goods shall be admitted into any public or licensed warehouse, unless numbered and marked in plain and legible characters, with the initials of the owner, importer or consignee, and with a description of the goods contained therein.

When duty exceeds Rs. 100, importer may give a bond for it in Form B. and the goods may then remain for fifteen months without demand of duty.

VI. And it is hereby enacted, that upon goods warehoused under the provisions of this Act, when the import duty chargeable shall exceed the sum of 100 Rupees, the importer or consignee shall be allowed to execute a bond for the amount of duty chargeable in the form hereunto annexed marked B.; and when such bond shall have been executed, the goods shall be allowed to remain in warehouse for a period not exceeding fifteen months, without being liable to the demand of import duty thereon. And the bond to be taken under this Section, shall be for twice the amount of import duty assessed on the goods: and shall stipulate for interest to be payable from the date of the demand of any sum due on account of the goods at such rate not exceeding six per cent., as shall be fixed by the Board or other controlling authority of Customs: and the party executing the same shall be bound thereby for the payment of all duties and charges that shall be claimable on account of the goods, and of any penalties that may be incurred for violation of the Custom laws in respect to the same.

But Collector may proceed against the goods or under the bond at his option, and may detain goods, and after ten days sell them if the demand be not paid, writing off the proceeds on the bond, and paying over surplus to the owner.

VII. Provided always, that if any owner, importer, or consignee shall omit to pay any duty or penalty that may fall due on account of goods warehoused under this Act, it shall be lawful for the Collector of Customs at his option, either to proceed upon the bond, or to cause such portion of the goods warehoused, on account of which the duty or penalty may be demanded, as to him may seem fit, to be detained in satisfaction thereof; and if the demand be not discharged within ten days from the date of such detention (due notice thereof being given to the importer, owner, or consignee) the goods so detained shall be liable to be sold in satisfaction of the demand. And the proceeds of any sale so made of goods detained, shall be written off upon the bond in discharge thereof to the amount received less the charges of the sale; and if there be any surplus obtained from such sale beyond the amount demanded, such surplus shall be paid over to the owner or consignee of the goods, and no transfer or assignment of the goods shall prevent the Collector from proceeding against the goods in the manner above provided for any demand of customs duties or penalty claimed thereon.

The Board may allow the bond to be renewed after fifteen months for other fifteen months.

VIII. And it is hereby provided, that if at the end of fifteen months, the owner or consignee of goods shall desire to keep them in warehouse for a further period, the Board or other controlling authority of Customs shall be competent to permit him so to keep them for a like further period not exceeding fifteen months, on the bonds being renewed by the parties applying for the same.

Goods relanded from a ship put back may be re-warehoused without bond, and re-exported without further duty. With one exception.

IX. And it is hereby enacted, that when a vessel after having cleared from the port shall return, and the owners, agents, or shippers of the cargo of such vessel or any part thereof, shall desire to land the same for re-export, such goods shall be admitted to warehouse, and being so declared and registered, re-export may be made thereof under the previous settlement for duty, unless the bottom in which the re-export is made be one on account of which the goods are chargeable with increased duty, in which case the goods shall be charge-

able only with the difference, and no bond shall be taken on account of duties for such re-landed goods, unless the goods should be liable to duty on being passed through the Custom House for importation.

Bond to be cancelled on payment of all reserved duty, charges and penalties, on re-exportation by sea.

X. And it is hereby enacted, that upon the re-exportation by sea of goods imported and warehoused under bond for the duty, as provided in this Act, within the period during which such goods are by this Act permitted to continue in warehouse, and upon payment of all reserved duty which may be due on account of such goods, and of any charges or penalties that may have been incurred on account of the goods, the bond executed at the time of lodging the goods in warehouse shall be deemed to have been discharged and be cancelled accordingly.

Full Import duty charges and penalties to be demanded, if goods not cleared within the time, or removed but not for exportation.

XI. And it is hereby enacted, that if any goods lodged in warehouse in the manner aforesaid, shall be removed or taken from the warehouse otherwise than for exportation by sea, or if the goods be not cleared from the warehouse and exported at the expiration of the time during which such goods are permitted by this Act to remain in warehouse, the Collector of Customs shall demand the full amount of import duty chargeable thereon, and any charges or penalties that may have been incurred. And if the amount so claimed be not paid within ten days from the date of the demand, the Collector of Customs shall be entitled to realize the same, either by putting the bond in suit, or at his option by causing the goods, or any sufficient portion thereof, to be sold in satisfaction of the demand.

Removal to be endorsed on the bond with specification of certain particulars.

XII. And it is hereby enacted, that whenever any goods, warehoused and bonded as aforesaid, shall be removed from any public or licensed warehouse, the Collector of Customs shall cause such removal to be noted on the back of the bond, and every note so made shall specify the quantity and description of goods removed, the purposes for which they have been removed, the date of removal, and name of the person removing them, and the number and date of the export pass under

which they have been taken away, if removed for exportation by sea; and of the import pass or order, if removed for importation and the amount of duty paid.

Such particulars to be entered in register, and when registry shows all the bonded goods to be withdrawn, the Collector shall cancel and deliver over the bond.

XIII. And it is hereby enacted, that a register shall be kept of all bonds entered into for customs duties on goods warehoused as aforesaid, and entry shall be made in the said register of all particulars prescribed in the preceding section of this Act, as to be noted on the bond, and when the register shall show that the entire quantity of the goods covered by any bond has been withdrawn from warehouse, either through importation and the payment of duties, or through re-exportation by sea and payment of the reserve duties upon such re-export, it shall then be competent to, and be the duty of, the Collector of Customs to cancel the bond as discharged in full, and to deliver it so cancelled to the parties who shall have executed, or who shall be authorized to receive the same.

What to be public warehouses, keeper of warehouse to have lock and key and be responsible.

XIV. And it is hereby enacted, that the warehouses of the Custom House, together with such other buildings as shall be directed by the Governor in Council, or Governor of the Presidency or Settlement, shall be public warehouses for the reception of the goods under the provisions of this Act. And every public warehouse shall be under the lock and key of the person whom the Governor, or Governor in Council of the Presidency, shall appoint to be keeper of such warehouse; and such keeper shall be responsible for all duties connected with the charge of goods, their reception into, and delivery from the warehouses.

Board of Customs to determine what goods shall be admitted, and to expose conspicuously a table of rates in the warehouse.

XV. And it is hereby enacted, that the Board or other controlling authority of Customs shall determine what goods shall be admitted into every public warehouse, in what manner, and on what terms; and shall, from time to time, fix rates of hire for every public warehouse, or for the custody of goods therein, and a table of the rates so fixed shall be placed in a conspicuous part of every such warehouse.

XVI. And it is hereby enacted, that the owners or consignees of goods lodged in a public or licensed warehouse under this Act, or their agents, shall have access to their goods at any time, within the hours of business, in the presence of a Custom House Officer, who shall be deputed to accompany them, upon their making application in writing to the Collector of Customs, or to the warehouse keeper for the purpose.

Owners, consignees or their agents to have access in business hours in presence of Custom House Officers.

XVII. And it is hereby enacted, that the expenses of carriage, packing, and stowage of goods, on their reception into, or removal from a warehouse, shall, if paid by the Collector or warehouse keeper, be chargeable on the goods, and be defrayed by the owners or consignees, in like manner as the customs duties, before the goods are removed. And if the goods be lodged in a public warehouse, the owners or consignees, shall further pay monthly the rent and warehouse dues, on receiving a bill or written demand from the Collector or warehouse keeper for the same. And if the bill for rent or warehouse dues be not discharged within ten days from the date of presentation, the Collector of Customs shall have power, (any private transfer or assignment of the goods notwithstanding) to cause to be sold by public auction such sufficient portion of the goods as he may select in liquidation of his demand. And the owners and consignees of goods shall not be entitled to claim from the Collector of Customs, or warehouse keeper, any compensation for any loss that may occur while the goods are passed into, or out of, the warehouse, or while they remain therein, unless such loss or injury shall be proved to have been occasioned by the wilful act or neglect of the warehouse keeper, or his officers, or of the officers of customs.

Expenses of carriage, packing and stowage to be defrayed by owner before removal. Rent bill and warehouse dues to be paid monthly, and Collector to have power to sell goods after 10 days, in case of non-payment Owners to have no claim for compensation, except in case of wilful injury.

XVIII. And it is hereby enacted, that allowance shall be made for the wastage of goods deposited in warehouses according to the following table, as the rate of wastage for one year, and the import duty shall be settled on the quantities registered at the time of importation, wastage at these rates notwithstanding:

Table of wastage to be allowed on warehouse goods.

Table of wastage to be allowed upon goods when applied to be removed either from public or private licensed warehouses.

Description of goods.		*Rate of wastage.*
Alkali,		5 per cent.
Alums,		3 ,,
Aromatic Seeds,	Anise,	3 ,,
	Coriander,	3 ,,
	Cummin,	3 ,,
	Calizerah,	3 ,,
	Cardamums,	3 ,,
	Jowain,	3 ,,
Beetlenut,		7½ ,,
Brimstone,		3 ,,
Camphor,		2 ,,
Coffee,		5 ,,
Copperas or green vitriol,		5 ,,
Cotton Wool,		2 ,,
Dry Ginger,		10 ,,
Gums and Drugs, not otherwise specified,		3 ,,
Iron wrought Bars,		3 ,,
Indigo,		5 ,,
Kutch or Terra Japonica,		3 ,,
Lac, Lake Stick and Seed,		3 ,,
Long pepper and long pepper root,		3 ,,
Oils, Essential and Fragrant,		8 ,,
Resin or Dammer,		7½ ,,
Sago,		4 ,,
Sugar,		4 ,,
Saltpetre,		4 ,,
Soap,		3 ,,
Silk,		5 ,,
Spices,	Cloves,	8 ,,
	Cinnamon,	2 ,,
	Cassia,	2 ,,
	Mace,	8 ,,
	Pepper,	6 ,,
	Pimento or Allspice,	2 ,,
Tobacco, unprepared,		5 ,,
Turpentine,		8 ,,
Tutenague,		2 ,,

Wines and Spirits in Casks—*a deduction for ullage of* 10 *per cent. shall be allowed at the time of being received into warehouses.**

* *See Act No. XIII. of* 1841, *which explains that no deduction is to be made in settling the import duties, but only in the accounts of the Warehousekeeper with the Customs Department.*

XIX. And it is hereby enacted, that the Board or other controlling authority of Customs shall have power to license warehouses belonging to private persons for the reception of goods, with duty bonded under the rules of this Act, in like manner as prescribed for public warehouses; and every license so granted to a private warehouse shall be liable to be revoked at pleasure by the Board, or other controlling authority of Customs, unless otherwise specifically stipulated in the license.

Board of Customs may license private warehouses, but license to be revocable at pleasure unless otherwise specially stipulated.

XX. And it is hereby enacted, that applications for licenses for private warehouses shall be drawn up in the Form marked C. annexed to this Act, and shall specify the particulars therein stated, and the situation of the warehouses, and their distances respectively from the Custom House in English yards.

Form of applications for licenses.

XXI. And it is hereby enacted, that the Collector of Customs, or other warehouse keeper, shall have access for himself, or for any officer he may depute for the purpose, to any private warehouse licensed as above. And if the proprietor thereof shall not open the same when required, or shall refuse to admit the Collector or warehouse keeper or the officer of either upon demand made, at any time within the hours of business at the port, the proprietor of the warehouse shall be liable to a fine not exceeding 1,000 rupees, and further to have the license for the warehouse cancelled and withdrawn, and all bonds executed for duty chargeable upon goods therein deposited shall become due, and be put in suit for the levy of the duty and other demands of Customs, after seven days shall have passed from the date when the Collector of Customs or warehouse keeper shall give notice of any license being withdrawn.

Collector or warehouse keeper to have access to any licensed warehouse, proprietor refusing to admit him, to be liable to a fine of 1,000 Rs. and cancelment of license bonds for duty to become due, in such case seven days after notice of cancelment of license.

XXII. And it is hereby enacted, that if goods lodged in a private warehouse shall be found to be deficient at the time of delivery therefrom, beyond the allowance for wastage prescribed in the table annexed to Section 18 of this Act, the owner or consignee, or other party who may have lodged the goods in the warehouse, shall, unless the deficiency be accounted for to

If the goods be found deficient beyond the wastage allowance, the owner, &c. shall forfeit ten times the duty chargeable on the deficiency. Same provision as to goods in excess, goods not to be

removed until payment.

the satisfaction of the Collector of Customs, forfeit to Government a sum equal to ten times the duty chargeable on the quantity of goods deficient; and if goods be found to exceed the registered quantity, such excess, unless similarly accounted for, shall be charged with ten times the ordinary duty thereon; and when any penalty shall be incurred under this section, the goods shall not be removed until the same is paid.

Collector may issue written warrant for goods to be opened and examined, and the same shall be re-sealed, and shall not be re-opened except by leave of the Board or on application by owner.

XXIII. And it is hereby enacted, that the Collector of Customs shall have authority at any time to issue his warrant or written order, and to cause any goods or packages lodged in a public or private warehouse to be opened and weighed, or otherwise examined as he may direct. And after goods shall have been so opened or examined, he shall cause the same to be sealed or marked in such manner as to him may seem fit, and when goods shall have been so sealed or marked (after examination) they shall not be again opened without permission from the Board, or other controlling authority of Customs, except when the proprietor or consignee shall apply to have them opened, and in every such case, the packages shall be again sealed or marked as before.

Goods to be stamped on reception into or delivery from warehouse, and fine of Rs. 500 for removing stamp or changing contents. Owner may take samples by permission.

XXIV. And it is hereby enacted, that when goods shall be received into warehouse, or shall be removed therefrom, the packages shall be stamped with a conspicuous seal or stamp containing the words—

Warehoused and duty
bonded.

or

Delivered for exportation.

or

Removed for Importation.

accordingly as the goods may be received or removed for one or other purpose; and any person who shall remove or efface

a stamp or seal affixed by an Officer of Customs, or who shall change the outer cover of any package so marked, or change the contents thereof while goods are in warehouse, without giving notice and obtaining permission of the Collector of Customs, shall for every such offence forfeit the sum of 500 rupees upon conviction before a Magistrate or Justice of Peace of the place. Provided, however, that the owners and consignees of goods shall be at liberty to take out samples of their goods of such limited quantity as shall be deemed by the Collector of Customs reasonable and proper.

XXV. And it is hereby enacted, that no goods shall be removed from any warehouse except under application to the Collector of Customs for the goods to be passed for export or for importation, in like manner as for other goods passed through the Custom House, or for removal to another warehouse, as prescribed in Section 28 of this Act.

Goods not to be removed except under application to Collector.

XXVI. And it is hereby enacted, that if any owner or consignee of goods, shall in any way break a package for removal of any part of the goods, the entire duty shall be levied for all the goods contained therein.

If a package be broken, the entire duty to be levied on all the contents.

XXVII. And it is hereby enacted, that applications to remove goods from warehouse shall be made in the Form marked D. hereunto annexed, and twenty-four hours' notice shall ordinarily be given to the Collector of Customs or warehouse keeper of the intention to remove goods.

Application for removal to be made in Form D. and ordinarily after twenty-four hours' notice.

XXVIII. And it is hereby enacted, that owners or consignees of goods warehoused and bonded for duty under this Act, may remove the same from one public or licensed warehouse to any other, and when they shall desire so to remove goods, they shall make application in the Form marked E. hereunto annexed, furnishing the information specified, and filling up the columns left blank in the said Form, with all the particulars therein contained.

Application for removal from one warehouse to another to be in Form E.

No duty on warehoused goods destroyed by fire, &c. Case of goods damaged while in warehouse.

XXIX. And it is hereby enacted, that if goods warehoused and bonded for duty shall be destroyed by fire or other accident, no duty shall be chargeable thereon; provided that if they be destroyed in a private warehouse, notice thereof be given to the Collector of Customs or warehouse keeper, within forty-eight hours of the discovery of the accident. And if goods when lodged in warehouse shall receive damage, they shall be assessed for duty according to their actual value and bond for the same executed for the unexpired term of warehousing.

Penalties under this Act to be adjudged by Collector, subject to confirmation by Board.

XXX. And it is hereby enacted, that whenever any person shall be charged with having committed any act or neglect for which he is liable to penalty under this Act, the Collector of Customs at the port shall be competent to investigate the case, and to adjudge the penalty or to dismiss the complaint, as to him may seem fit. Provided, however, that if the Collector shall adjudge any penalty to be incurred, such judgment shall not be conclusive, until the case shall have been reported to the Board or other superior authority of Customs, and the award shall have been confirmed by that authority; and it is further enacted, that the Board or other controlling authority of Customs shall have the power of mitigating any penalty that may be incurred on account of warehoused goods to the extent of reducing the same to a levy of double duty.

A.

FORM OF APPLICATION FOR THE RECEPTION OF GOODS IMPORTED BY SEA IN WAREHOUSES.

To the Collector of Sea Customs at Calcutta.

SIR,

Please to order the reception into the Government (or private) warehouse of Mr. A. B. situate at
and licensed by No. ——, dated ——, of the undermentioned goods, being of the growth or manufacture of (place to be stated), and arrived from (port or place to be mentioned) on the (British or other) Ship ——, whereof —— is Commander, the duty upon which goods has been adjusted in the manner hereafter specified.

Marks and Number of packages.	Description of packages and goods.	Contents of goods.	Rate of value of the goods.	Amount value of the goods as ascertained and entered on the landing of the same.	Rate of duty both of customs and Town duty.	Date and No. of Importation.	Specification of the particulars of bonds if the duty upon the goods has been bonded.
Total,							

(Date) (Signed) By the owner, agent, or consignee of goods.

B.

FORM OF BOND FOR IMPORT DUTY.

Know all men by these presents, that we ——— now of Calcutta, at Fort William, in the Province of Bengal, in the East Indies, ——— and ——— of the same place, are jointly and severally held, and firmly bound unto the East India Company in the sum of Rs. ——— to be paid to the said East India Company, or their certain attorney, agent, successors or assigns, for which payment well and truly to be made, we jointly and severally bind ourselves and each of us, and our respective heirs, executors, administrators and representatives, by these presents; sealed with our respective seals, dated the —— day of ——— in the year of Christ ——— and the said ——— for themselves, and each of them and their respective heirs and representatives, covenant and agree, that in case of dispute touching the matter of this obligation, or the condition thereof, the same may be heard and determined in the Supreme Court of Judicature at———

Whereas the above bounden ——— hath (or have) applied to the Collector of Sea Customs of the said East India Company at ——— for, and have obtained, permission to lodge in a certain public (or licensed) godown, for a period of fifteen months, subject to the rules or regulations of Government, the following goods, that is to say, (here a large blank should be left for describing the goods) being of the growth or manufacture of ——— and imported by sea, from ——— on board the ——— ship - and entered in the Custom House books, as No. of the register of goods imported by sea.

Now the condition of this obligation is such, that if the above bounden ——— (the principal) ——— his or their, heirs, executors, administrators, representatives, or assigns, shall, in all things, well and truly observe and keep all and singular the rules prescribed in Act No. XXV. of 1836, to be observed and kept by the owners, importers or consignees of goods bonded and warehoused, and by the persons obtaining permission to bond

and warehouse goods under the provisions thereof. And if the said ——— (the principal) ——— his (or their if more than one) heirs, executors, administrators, representatives, or assigns, do and shall well and truly pay, or cause to be paid to the Collector of Customs for the time being for the port, all such dues, whether of customs or of lawful charges as shall be due, or demandable upon the said goods, or on account of penalties incurred in respect to them at or before the expiration of fifteen months from the date of these presents, or before, or at the expiration of such further time as the Board of Customs shall allow in that behalf, together with interest thereon at the rate of ——— per cent. per annum from the date of demand thereof being made by the said Collector of Customs in writing. And further, if the said goods after being so warehoused, or any part thereof, shall not within the term so fixed, or to be enlarged, be removed from the said public (or licensed) godowns, or in case the said goods or any part thereof shall be removed from the said public (or licensed) godowns, or in case the said goods, or any part thereof, shall be removed from the said public (or licensed) warehouse at any time within the said term either for importation or for exportation by sea, then, and in such case, if the full amount of all such duties, charges and penalties as may be payable or demandable as aforesaid, shall have been first paid and satisfied on the whole quantity of the said goods;—then this obligation to be void and of no effect; otherwise, and on breach or failure in the performance of the said several conditions, or any of them, the same to be in full force and virtue. Sealed and delivered, &c.

C.

FORM OF APPLICATION TO OBTAIN LICENSE FOR PRIVATE WAREHOUSES.

To the Collector of Customs at Calcutta.

SIR,

Please to submit to the Board of Customs (or other controlling authority of Customs) my request to be furnished with a license under Act No. XXV of 1836, for a warehouse situate at ——— and about the distance of ——— yards from the Custom House, the dimensions and other particulars of the godown are stated below, and the same is intended for the reception of all goods as a general store house, (or as the case may be) the period of license not to exceed (mention the time for which required).

Particulars of Godown.

Length, feet, inches, Breadth, ditto ditto, Height, ditto ditto,	Dry, airy, well-flued, and puckah built, can contain with perfect safety and convenience about ——— tons of goods.

The same being my own property (or the property of ——— from whom I have engaged the same on a lease of ———).

(Signed) (By the Applicant.)

D.

FORM OF APPLICATION FOR REMOVAL OF GOODS FROM WAREHOUSES.

To the Collector of Government Customs.

SIR,

Please to order to be passed from the (Government or private) warehouse of Messrs. A. and Co., situate at ——— (and licensed under Act No. XXV. of 1836 by No. —— dated ———) the undermentioned goods intended for exportation by sea on the British Ship ——— Captain —— bound to ——— or for internal consumption; or to be consigned to (any station in the interior as the case may be) the same having been entered in the books of your office for the said warehouse, under No. ——— dated ——— by me (or by Messrs. B. and Co., whose certificate of the transfer of the goods is herewith annexed).

Marks and Numbers of Cases. B. and Co. (Name of the goods.) Nos. 1 to 4. □ × ✓ Sealed. "Warehoused for exportation."	Four cases of (name of goods). 1 Case, Box, Bale, or Parcel, containing (here insert the quantity in each case). 1 ditto. .... 1 ditto. .... 1 ditto. .... Four Cases, (Boxes, Bales, or Parcels) containing (total contents to be here stated).

Custom House value of the above, ——— Rupees ——— and please to receive the amount of duty bonded for the said goods, by bond No. ———, dated ———, allowing drawback for exportation on British bottom (or as the case may be).

(Signed)

(Either by the owner, agent, or consignee of the goods.)

E.

FORM OF APPLICATION FOR THE REMOVAL OF GOODS, FROM ONE WAREHOUSE TO ANOTHER, DURING THE PERIOD FOR WHICH THE INDULGENCE OF WAREHOUSING MAY HAVE BEEN OBTAINED.

To the Collector of Government Customs at Calcutta.

SIR,

Please to permit the removal of the undermentioned goods from the (Government or other licensed) warehouse, to (the warehouse into which the removal is intended to be made must here be distinctly described) for the unexpired period of warehousing due on the goods, the same having been originally entered by virtue of Act No. XXV. of 1836 in the books of the warehouse department, under No. ———, dated ———, for fifteen months

(or such other period as may have been allowed, to be here stated) under all the obligations and conditions at present attached to the goods.

Marks and Numbers of Packages.	Description of packages and of goods.	Contents of packages.	Rate of value of goods.	Amount of value of goods as entered in Custom House books.	Rate of duty chargeable or paid upon the goods.	Name of the persons by whom goods first passed into warehouses.

Note.—If the goods to be removed shall have been sold or transferred by the original proprietor or agent, a certificate of such sale or transfer shall accompany the application.

(Signed) (By the owner, agent, or consignee of the goods.)

ACT No. XXVI. OF 1836.

1. *Governor-General in Council may appoint a Superintendent of the Police of the camp of the Governor-General, the Commander-in-Chief or the Lieutenant-Governor, N. W. P.*

2. *Superintendent to have concurrent jurisdiction with the Magistrate.*

3. *The Magistrate to carry out the commitment or sentence of the Superintendent on receipt of copy.*

4. *Officers subordinate to the Magistrate to be assisting to the Superintendent.*

When G. G. in C. may appoint a Superintendent of the Police of the camp.

I. It is hereby enacted, that as often as the Governor-General of India, or the Commander-in-Chief of all the forces in India, or the Lieutenant-Governor of the N. W. P., shall pass through any part of the territories of the East India Company, attended by a camp, it shall be lawful for the Governor-General of India in Council, by an order in Council, to appoint a Superintendent of the Police of such camp.

II. And it is hereby enacted, that with respect to all offences committed in any such camp, or on the line of march between the stations of any such camp, such Superintendent shall have concurrent criminal jurisdiction with the Magistrate of the zillah or city within which such offence shall have been committed.

Superintendent to have concurrent jurisdiction with the Magistrate.

III. And it is hereby enacted, that as often as the said Superintendent shall, by virtue of the powers conferred on him by the preceding clause, commit any person for trial before the Sessions Court, or sentence any person to imprisonment, it shall be lawful for the said Superintendent to transmit such person to the Magistrate of the zillah or city where the camp shall then be, with a copy of the commitment or sentence, under the hand of him, the said Superintendent, and the said Magistrate shall give effect to such commitment or sentence.

Magistrate to give effect to the sentence of the Superintendent on receipt of copy.

IV. And it is hereby enacted, that all officers subordinate to the Magistrate of the zillah or city where such camp shall be, shall be assisting to the said Superintendent in the exercise of the powers conferred on him by this Act, in the same manner as they are bound to be assisting to the said Magistrate.

All officers to assist the Superintendent as they would the Magistrate.

ACT No. XXVII. OF 1836.

1. *Rescinds Regulation V.* 1817.
2. *Vakeels shall be appointed under Regulation XIV.* 1814, *Sec.* 3; *and candidates for the situation of Law Officers shall be examined before the Law Officers of the Sudder Court.*

I. It is hereby enacted, that Regulation V. of 1817, of the Madras Code, entitled a Regulation for providing a succession of Hindoos and Mahomedans duly qualified to be employed as law officers and as vakeels in the Courts of Adawlut under the Presidency of Fort St. George, be repealed.

II. And it is hereby enacted, that candidates for the situation of vakeel in the Courts of Adawlut under the Presidency of Fort St. George shall in future be appointed under the provisions of Section 3, Regulation XIV. of 1816, and that the qualifications of candidates for the situation of law officers be ascertained by examination before the law officers of the Court of Sudder and Foujdaree Adawlut, with reference to the provisions of Section 3, Regulation XI. of 1802, and Clause 2, Section 3, Regulation VII. of 1822.

ACT No. XXVIII. OF 1836.

Repealed by Act XXVI. of 1856.

ACT No. XXIX. OF 1836.

1. *The Sudder Court, with sanction of Governor, may augment or diminish the number of Sudder Ameens.*
2. *Registry fees for judicial duties abolished—but not for registry of deeds.*

I. It is hereby enacted, that from the 1st day of December, 1836, it shall be competent to the Court of Sudder Adawlut of Fort St. George, with the sanction of the Governor in Council, to augment or diminish at discretion, the number of Sudder Ameens within that Presidency.

II. And it is hereby enacted, that such parts of any of the Regulations in force as authorize the Registers of the Zillah Courts and Sudder Ameens within the Presidency of Fort St. George, to receive any fee or commission for judicial duties performed by them, be repealed. Provided always, that this rule shall not be construed to prohibit the receipt of fees for the registry of deeds.

ACT No. XXX. OF 1836.

GENERAL.

Repealed by Act XVII. 1862.

ACT No. XXXI. OF 1836.

MADRAS.

Regulation IV. 1831, *relating to grants made by the British Government, shall be extended to similar grants made originally by any Native Government, and afterwards confirmed or continued by the British Government.*

It is hereby enacted, that the provisions of Regulation IV. of 1831, of the Madras Code, relating to grants of money or land revenue made by the British Government, shall be extended to all similar grants within the territories subject to the Presidency of Fort St. George, which, having been made by any Native Government, have been confirmed or continued by the British Government.

ACT No. XXXII. OF 1836.

Repealed by Act XIX. of 1854.

CALCUTTA.

ACT No. I. OF 1837.

A single Justice of the Peace for Calcutta may issue warrant for arrears of assessment under 33, Geo. III. C. 52.

It is hereby enacted, that from the 1st day of March next, it shall be lawful for any one Justice of the Peace for the Town of Calcutta, to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament 33, George III. Cap. 52, and every such warrant shall have the same force as if it were under the hands and seals of two such Justices.

ACT No. II. OF 1837.

Repealed by Act VIII. of 1851.

ACT No. III. OF 1837.

Repealed by Act X. of 1861.

GENERAL.

ACT No. IV. OF 1837.

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1. *Any subject of the Crown may hold property in land in the territories of the East India Company.*
2. *Persons holding under this Act shall hold subject to all rules applicable to holdings by Natives.*

I. It is hereby enacted that, after the 1st day of May next, it shall be lawful for any subject of his Majesty, to acquire and hold in perpetuity, or for any term of years, property in land, or in any emoluments issuing out of land, in any part of the territories of the East India Company.

II. And it is hereby enacted that, all rules which prescribe the manner in which such property as is aforesaid may now be acquired and held by natives of the said territories, shall extend to all persons who shall, under the authority of this Act, acquire or hold such property.

ACT No. V. OF 1837.

Repealed by Act XXXII. 1837 and subsequently by Act XIV. 1839.

ACT No. VI. OF 1837.

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1. *Malgoozars, several and joint, to be responsible for the jumma according to the existing settlement till a new settlement be made.*

2. *But Malgoozar may relinquish his engagements at their term by notification to the Collector.*

I. It is hereby enacted, that every Malgoozar in the province of Cuttack, and every body of Malgoozars in the said province, having as such body joint engagements with the Government, and being persons acknowledged as the proprietors or possessors of a permanent interest in the mehal for which they have engaged, shall be answerable for the jumma fixed by the terms of the settlement now existing for every mehal of such Malgoozar or body of Malgoozars, until a new settlement of such mehal shall be completed and confirmed, according to the provisions of Regulation VII. of 1822, and Regulation IX. of 1833, of the Bengal Code.

II. Provided always, that if any such Malgoozar or body of Malgoozars shall, before the 1st day of August, 1837, notify to the Collector of the district within which any mehal of such Malgoozar or body of Malgoozars as aforesaid may be situated, that it is the intention of such Malgoozar or body of Malgoozars, to relinquish the existing engagements of such Malgoozar or body of Malgoozars, in respect of such mehal, at the expiration of the term for which those engagements

have been made, it shall be lawful for such Malgoozar or body of Malgoozars to relinquish the said engagements at the expiration of the said term.

SUPREME COURTS.

ACT No. VII. OF 1837.

The Supreme Courts may enlarge on his own recognizance any convict to whom they have recommended the grant of a free pardon.

It is hereby enacted, that it shall be lawful for any of the Courts established by his Majesty's charters, in any case in which such Court shall have recommended to his Majesty the granting of a free pardon to any convict, to permit such convict to be at liberty on his own recognizance.

ACT, No. VIII. OF 1837.

Repealed by Act III. 1838.

GENERAL.

ACT No. IX. OF 1837.

1. *All immoveable property belonging to any Parsee shall, as regards its transmission in case of death or intestacy, be chattels real and not freehold.*

2. *No advantage to be taken of any defect of title arising out of the transmission of such property on death or intestacy or by Will, if such transmission took place before 1st June,* 1837, *and was regular according to the rules regulating freehold property, or was acquiesced in.*

I. It is hereby enacted, that from the 1st day of June, 1837, all immoveable property, situate within the jurisdiction of any of the Courts established by His Majesty's Charter, shall, as far as regards the transmission of such property on the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, be taken to be and to have been of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title arising out of the transmission of such property upon the death and intestacy of any Parsee having a beneficial interest in the same, or by the last Will of any such Parsee, if such transmission took place before the said 1st day of June, 1837, and if such transmission were either according to the rules which regulate the transmission of freehold property, or else took place with the acquiescence of all persons to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of such Parsee.

ACT No. X. OF 1837.

THE STRAITS.

1. *Repeals two Regulations.*

2. *Government of India may appoint Commissioners to decide claims to land in the Straits Settlement. Person having registered title to hold according to its terms.*

3. *Commissioner on arrival may require all claims and applications then pending to be transferred to him.*

4. *Commissioner may cause a survey or measurement of lands, and may summon witnesses to attend and produce documents and may examine them on oath.*

5. *Commissioner, finding any person in possession of more land than is specified in his title, may declare the excess liable to separate assessment.*

6. *Commissioner may investigate the claims of persons holding under an unregistered title, and, if satisfied, may decree the lands to them, and such decree shall constitute a good title against the Government.*

7. *Persons required to attend, how to be summoned.*

8. *Penalty for wilful omission to obey summons or to answer questions—Rs. 50, or one month's imprisonment on failure to pay.*

9. *Penalty for forcibly resisting or causing resistance to Commissioner or his employé, one month's imprisonment or fine or both—on conviction before a Magistrate.*

10. *Deliberate and wilful false statement in any material point on examination before Commissioner to be perjury.*

11, 12. *All orders and decrees of Commissioner affecting the possession of lands to be final:—unless the party objecting move the Court of Judica-*

ture within 6 weeks to quash the same, in which case the Court shall try the question of right, and may quash the decree or order.

13. *Court not to decide such question without the Recorder.*

14. *Decree or order of Commissioner not to be carried out till after expiry of 6 weeks, nor till final decision on the application to the Court, if one be made.*

15. *Order of Commissioner to be executed in the same manner as decrees of Recorder's Court.*

16. *Commissioner to be guided by instructions from the Bengal Government.*

Repeals two Regulations.

I. It is hereby enacted, that from the date of the passing of this Act, Regulations I. and IX. of 1830, passed by the Governor in Council of Prince of Wales' Island, Singapore and Malacca, and likewise Regulation I. of 1831, passed by the Vice-President in Council, shall be repealed.

Government of India may appoint Commissioners to decide claims to land. Persons having registered titles to hold according to its terms.

II. And it is hereby enacted, that it shall be lawful for the Governor-General of India in Council to appoint one or more Commissioners for the purpose of inquiring into and deciding upon claims to hold lands within any of the settlements of Prince of Wales' Island, Singapore and Malacca, whether the said claims be founded on grants or titles registered in conformity with the provisions of any of the Regulations repealed by the foregoing clause or not, provided nevertheless that every person holding land in any of the settlements aforesaid, under a grant or title registered in conformity with the provisions of the said Regulations, shall be entitled to hold such land for such terms and on such conditions as are specified in such grant or title.

Commissioner on arrival may require all claims then pending to be transferred to him.

III. And it is hereby enacted, that on the arrival of any such Commissioner in any of the said settlements it shall be lawful for such Commissioner to require, that all claims and applications to hold lands in that settlement which may be pending before the Resident Councillor, Collector or Superintendent of Land Revenue shall be transferred to the said Commissioner, to be dealt with by him according to the powers vested in him by authority of this Act.

IV. And it is hereby enacted, that it shall be lawful for any such Commissioner, whenever he may be within any of the said settlements, to cause a survey or measurement to be made of any lands within that settlement in such manner as he may deem proper, and to require, by a summons under his hand, any person resident within that settlement to attend before him and to produce any document relating to the right to any land or interest in land, within that settlement; and it shall further be competent to the said Commissioner to examine any such person upon oath touching the right to any such land or interest in such land.

Commissioner may cause a survey or measurement of land, and may summon witnesses.

V. And it is hereby enacted, that whenever any such Commissioner, being within any of the said settlements, shall, in prosecution of the duties assigned to him by this Act, discover that any person owning or occupying lands within that settlement under any grant or title, registered in conformity with any of the Regulations repealed by Section 1, shall be in possession of more land than is specified in such grant or title, it shall be competent to the Commissioner aforesaid to declare the land so held in excess to be liable to separate assessment.

Commissioner finding any person in possession of more land than is specified in his title, may declare the excess liable to separate assessment.

VI. And it is hereby enacted, that if any person shall hold or occupy land within any of the settlements aforesaid, by a grant or title which shall not have been registered in conformity with the provisions of any of the Regulations repealed by this Act, and such person shall prefer a claim to hold or occupy the same, or if such claim shall arise out of any proceeding or inquiry held by the Commissioner under this Act, it shall be competent to the said Commissioner to investigate the claim, and in every case in which the said Commissioner shall be of opinion that the claim is a fair one, the said Commissioner shall make a decree, assigning the lands to which there may be such fair claim to the party who has such fair claim on such conditions and for such terms as may be prescribed under the rules laid down for the guidance of the said Commissioner, and such decree shall constitute a good title as against the Government to the land therein assigned on the conditions and for the terms therein specified.

Commissioner may investigate the claim of persons holding under an unregistered title, and if satisfied, may decree the lands to them. Such decree to be a good title against the Government.

Persons required to attend, how to be summoned.

VII. And it is hereby enacted, that whenever the Commissioner aforesaid, under the power vested in him by Section 4, shall require the attendance of any person or the production of any document by any person, he shall cause such person to be served with a notice under the hand of the said Commissioner, stating the purpose for which the attendance of such person is required, the documents (if any) which such person is to bring with him, and the period within which such person is to attend, and if such person cannot himself be found, the notice shall be affixed at his usual place of residence.

Penalty for wilful omission to obey summons, or to answer questions, Rs. 50.

VIII. And it is hereby enacted, that if any person shall wilfully omit to obey any lawful summons to attend before the said Commissioner, or to produce any document which he is required by the said Commissioner in the exercise of the lawful powers of the said Commissioner to produce, or to answer any lawful question put by the said Commissioner; it shall be competent to the said Commissioner to impose upon the person so wilfully omitting for every such wilful omission a fine not exceeding 50 Rs., commutable, if not paid, to imprisonment by order of the Commissioner in the civil jail, for a period not exceeding one month.

Penalty for forcibly resisting or causing resistance to Commissioner or his employe, one month's imprisonment or fine or both.

IX. And it is hereby enacted, that whoever shall forcibly resist or cause to be resisted any such Commissioner, or any person employed by such Commissioner in the performance of any thing which such Commissioner is by this Act authorized to perform, or cause to be performed, shall on conviction before a Magistrate be punished with imprisonment for a term not exceeding one year, or fine, or both; in addition to any punishment to which such offender may be liable by reason of any other offence committed in the course of such resistance.

Wilful false statement in any material point on examination before Commissioner, to be perjury.

X. And it is hereby enacted, that whoever, being under examination before any such Commissioner, either on oath or on a declaration received instead of an oath, knowingly and deliberately affirms that to be true which he knows to be false, touching any point material to the question which the Com-

missioner is investigating, shall be taken to be guilty of perjury and be dealt with accordingly.

XI. And it is hereby enacted, that all orders and decrees passed by any such Commissioner, by which the possession of any land within any of the Settlements aforesaid shall be altered or affected, shall be final.

Orders of Commissioner to be final: unless the party objecting move the Court of Judicature within 6 weeks to quash the same.

XII. Provided always, that if any party objects to any decree or order of the said Commissioner on the ground that such decree or order deprives that party of a legal right to land or to some interest in land, it shall be lawful for that party, at any time within six weeks after the making of such decree or order, to move the Court of Judicature of Prince of Wales' Island, Singapore and Malacca to quash such decree or order, which Court shall try the question whether such decree or order be or be not inconsistent with any legal right of the party moving, and if the said Court shall decide, that such decree or order is inconsistent with any such legal right, the decree or order of the Commissioner shall be quashed by the said Court, and shall be of no effect.

XIII. And it is hereby enacted, that the said Court of Judicature shall not decide whether a decree or order of any such Commissioner shall or shall not be quashed, except when the Recorder is sitting in the said Court, if there be at that time a Recorder.

Court not to decide such question without the Recorder.

XIV. And it is hereby enacted, that no decree or order of any such Commissioner shall be executed until six weeks shall have elapsed from the date of such decree or order. And it is further hereby enacted, that if any application shall be made to the said Court of Judicature, as provided for in Section 12 of this Act, in that case the decree or order with respect to which such application is made shall not be executed until such application shall be finally disposed of by the said Court.

Decree or orders of Commissioner not to be carried out till after expiry of six weeks, nor till final decision on the application to the Court, if one be made.

XV. And it is hereby enacted, that if no such application to the Recorder's Court as aforesaid shall be made within

Order of Commissioner to be executed in the same manner or

decrees of Recorder's Court.

the period fixed in Section 12 of this Act, the said Commissioner shall proceed to execute the order or decree passed by him in the same manner as the decrees of the Recorder's Court are executed; and all Sheriffs, Magistrates, Constables and other Public Officers are hereby enjoined and required to be aiding and assisting in the execution of the same.

Commissioner to be guided by instructions from the Bengal Government.

XVI. And it is hereby enacted, that every Commissioner appointed under this Act shall be guided in the performance of the duties confided to him under the provisions of this Act by such instructions as he shall from time to time receive from the Government of Bengal.

BOMBAY.

ACT No. XI. OF 1837.

Repeals Articles 1 *and* 2 *of Regulation I.* 1820.

It is hereby enacted, that Articles 1 and 2 of Regulation I. of 1820, of the Bombay Code, be repealed.

CALCUTTA.
Repealed by Act XIV. 1856.

ACT No. XII. OF 1837.

1. *The owner of every house or out-house built in Calcutta after* 1st *November,* 1837, *and not covered with an outer roof of incombustible materials, liable to a fine of Rs.* 100.

2. *Superintendent of Police may offer to the owner of such house, if built before the* 1st *November,* 1837, *a sum of money to cover the expense of covering the roof with incombustible materials, and the person accepting such sum, if he do not so cover his house, may be fined* 10 *times the amount of the sum.*

3. *If any house be built in contravention of Sec.* I, *or if the owner refuse to accept the sum tendered, the Superintendent may cause it to be roofed and make necessary alterations out of any fund at his disposal for that purpose.*

4. *Penalty, fine to Rs.* 100 *for wilfully obstructing the Superintendent.*

5. *Fines to be paid into General Treasury and to form a fund for carrying out the Act.*

Every owner of a house in Calcutta to roof

I. It is hereby enacted, that every house and out-house built within the city of Calcutta, after the first day of Novem-

ber, 1837, shall be covered with an outer roof of incombustible materials, and that, if any house or out-house be built in contravention of this provision, the owner of such house or out-house shall, on conviction before a Magistrate, be punished with fine not exceeding 100 Rupees.

it with incombustible materials, under penalty of Rs. 100 each.

II. And it is hereby enacted, that it shall be lawful for the Superintendent of the Police of the said city, from the date of the passing of this Act, to tender to the owner of any house or out-house within the said city, which house or out-house may have been built before the said 1st day of November, 1837, and which may not be covered with an outer roof of incombustible materials, a sum of money to defray the expense of covering such house or out-house with such an outer roof, and that if the owner of such house or out-house shall accept the sum so tendered, and shall engage that such house or out-house shall be covered with such an outer roof within a certain time, and shall not within that time cause such house or out-house to be covered with such an outer roof, such owner shall, on conviction before a Magistrate, be punished with a fine not exceeding ten times the sum so accepted by such owner.

Superintendent of Police may tender a sum of money to cover expense of roofing, and person accepting such sum liable to fine of ten times the amount if he do not roof.

III. And it is hereby enacted, that if any house or out-house shall be built in contravention of the provision contained in Section 1 of this Act, or if any owner of a house or out-house shall refuse to accept a sum of money tendered by the said Superintendent in the manner described in Section 2 of this Act, it shall be lawful for the said Superintendent to cause such house or out-house to be covered with an outer roof of incombustible materials without the consent of the owner thereof, and to cause such alterations to be made in walls of such house or out-house, as may enable such walls to support such outer roof, and to defray the expense out of any funds which may be put at the disposal of the said Superintendent for that purpose either by the Government, or by any private person, or body of private persons.

Superintendent may in certain cases cause the house to be roofed and make necessary alterations.

IV. And it is hereby enacted, that whoever shall wilfully obstruct the said Superintendent, or any person acting under

Penalty for wilfully obstructing superintendent.

the authority of the said Superintendent, in the exercise of the powers given to the said Superintendent by Section 3 of this Act, shall, on conviction before a Magistrate, be punished with a fine not exceeding 100 Rupees, in excess of any punishment to which the person so obstructing may be liable by reason of any other offence which he may commit in the course of such obstruction.

Fines to be paid into the treasury and applied to carrying out this Act.

V. And it is hereby enacted, that all fines levied under the authority of this Act, shall be paid into the General Treasury, and shall be applied to the purpose of defraying expenses incurred in carrying this Act into execution.

ACT No. XIII. OF 1837.

A retrospective Act legalising the proceedings of some Courts Martial informally held.

ACT No. XLV. OF 1837.

Whenever any Foreign State in Asia or Africa shall permit the importation or exportation of goods in British vessels, on the same terms as goods in its own vessels, the Governor-General in Council may direct that goods may be imported into the East Indies, or exported thence, in vessels of such Foreign State, on the same terms.

It is hereby enacted, that whenever any Foreign State in Asia or Africa shall permit within the dominions of such State, the importation or exportation of goods in British vessels on the same terms on which it permits the importation or exportation of goods in vessels belonging to the subjects of such Foreign State, it shall be lawful for the Governor-General of India in Council, by an order in Council, to direct that goods may be imported into the territories of the East India Company, or exported thence in vessels belonging to the subjects of such Foreign State, on the same terms on which such goods are imported into the said territories, or exported thence on British vessels.

ACT No. XV. OF 1837

Repealed by Act XX. 1856.

ACT No. XVI. OF 1837.

BENGAL.

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1. *Repeals Regulation XV. 1817.*

2. *The value of goods subject to ad valorem duties exported by sea from Bengal or Orissa, to be declared in manner prescribed by Regulation VI. of 1833 for goods imported into Calcutta by sea.*

3. *Governor of Bengal may by notice in Gazette fix a value for any article subject to ad valorem duty.*

4. *Penalty on Master of vessel removing or putting on board between sunset and sunrise, or on Custom House holidays without leave.*

5. *Penalty on Master who, after removal of one and before the arrival of another Custom House Officer, shall suffer goods to be put on board.*

6. *Master to receive on board one servant with Custom House Officer, and to provide them with shelter, water, accommodation and the means of cooking- Penalty.*

7. *No cargo-boat with goods for exportation to lie alongside any vessel without permit —Penalty.*

8. *With each boat-load to be landed for importation a boat-note shall be sent specifying certain particulars and bearing two signatures – Penalty.*

9. *If packages brought to the Custom House do not correspond with the description, or if goods not stated be concealed therein, the packages may be confiscated.*

10. *Goods removed after landing and before being passed may be confiscated.*

11. *Sugar exported to the Continent of Europe or to Bombay; not to be exempt from duty, but subject to same duty as other sugar.*

12. *If goods entitled to drawback as being imported, be shipped after port clearance, such drawback shall be forfeited, but no duty shall be levied.*

13. *Collector may sell goods landed at the Custom House, if not claimed and cleared within 3 months from ship's entry.*

14. *No drawback to be paid on goods exported, unless exported within 2 years from date of import, nor unless drawback is claimed at time of exportation, and the amount demanded within a year from the date of shipment.*

15. *Drawback not to be allowed on goods shipped in native crafts.*

16. *Board may fix and alter rates of wharfage and godown rent &c., and may determine the time for which goods may remain free.*

17. *Collector may require sea goods stowed in bulk to be weighed on board*

18. *Penalty for wilfully obstructing the weighment.*

I. It is hereby enacted, that from the 15th day of July, 1837, Regulation XV. 1817, of the Bengal Code, shall be repealed.

The value of goods subject to ad valorem duties to be declared in manner prescribed for goods imported into Calcutta by sea.

II. And it is hereby enacted, that when the Customs Duties fixed to be levied upon goods exported by sea from any port of Bengal or Orissa shall be *ad valorem*, the value of such goods shall be declared by the exporter in the manner prescribed by Regulation VI. 1833 of the Bengal Code for goods imported into Calcutta by sea, and the provisions of that Regulation for cases of disputed value (excepting Section 4 thereof, which prescribes the levy of duty when the goods are taken for Government) shall apply to goods intended to be exported by sea in like manner as for imported goods, and the value so to be declared by the exporter shall include the packages or materials in which the goods may be contained.

The Governor of Bengal may by notice in Gazette fix a value for any article subject to ad valorem duty.

III. And it is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal, from time to time, by notice in the Official Gazette, to fix a value for any article liable to *ad valorem* duty, and that the value so fixed by the Governor of the said Presidency shall, till altered by a similar notice, be taken to be the value of such article for the purpose of levying duty on the same.

Penalty on Master of vessel removing or putting on board between sunset and sunrise, or on Custom House holidays without leave.

IV. And it is hereby enacted, that every Master of a vessel, who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding 500 Rupees.

Penalty on Master, who after removal of one

V. And it is hereby enacted, that when, upon application from the Commander of any vessel, the Custom House

Officer shall be removed from on board thereof, under the provisions to that effect contained in Section 16 of the Act XIV. of 1836, if the Commander of such vessel shall, before a Custom House Officer have again been placed in such vessel, put on board of such vessel, or cause or suffer to be put on board of such vessel, any goods whatever, such Commander shall be punished with a fine not exceeding 1,000 Rupees, and the goods shall be liable to be relanded for examination at the expense of the shipper or shippers upon requisition to that effect from the Collector of Customs.

and before the arrival of another Custom House Officer shall suffer goods to be put on board.

VI. And it is hereby enacted, that the Commander of every vessel, who is bound to receive a Custom House Officer on board of such vessel, shall also be bound to receive on board one servant of such Officer, and to provide such Officer and such servant with suitable shelter and accommodation, and likewise with a due allowance of fresh water, and with the means of cooking on board, and if any Commander of a vessel shall wilfully disobey the directions contained in this Section, he shall be punished with fine not exceeding 500 Rupees.

Master to receive on board one servant with Custom House Officer and to provide them with shelter, accommodation, water and means of cooking. Penalty.

VII. And it is hereby enacted that no cargo boat laden with goods intended for exportation by sea, shall make fast to, or lie alongside of any vessel unless there shall be on board the boat or have been received by the Custom House Officer on board of the vessel, a Custom House Permit or order for the shipment of the goods. And the goods on board of any boat that may so lie alongside or be made fast to a vessel, if such goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said vessel, shall be liable to confiscation.

No cargo boat with goods for exportation to lie alongside any vessel without permit. Penalty.

VIII. And it is hereby enacted, that when goods shall be sent from on board ship for the purpose of being landed and passed for importation, there shall be sent with each boat-load or other separate dispatch, a boat-note specifying the number of packages and the marks and numbers or other description thereof, and such boat-note shall be signed by an

With each boat-load to be landed for importation a boat-note shall be sent specifying certain particulars and bearing two signatures. Penalty.

Officer of the vessel and likewise by the Customs Officer that may be on board; and if any imported goods be found in a boat proceeding to land without a boat-note or if being accompanied by a boat-note, they be found out of the proper track between the ship and the Custom House Wharf, or other Wharf or Ghaut at which they have been permitted to be landed, the boat containing such goods may be detained by any Inspector, or by any other Officer of the Preventive Service of the Custom House, duly authorized by the Collector of Customs, and unless the cause of deviation be explained to the satisfaction of the Officers of Customs, the goods shall be liable to confiscation.

If packages as brought to the Custom House do not correspond with the description, or if goods not stated be concealed in them, the packages may be confiscated.

IX. And it is hereby enacted, that when goods shall be brought to be passed through the Custom House, either for importation or exportation by sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, qualiity, or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages with the whole of the goods contained therein, shall be liable to confiscation.

Goods removed after landing and before being passed may be confiscated.

X. And it is hereby enacted, that if any person after goods have been landed and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation.

Sugar exported to the continent of India or to Bombay not to be exempt from duty but subject to same duty as other sugar.

XI. And it is hereby enacted, in modification of the Article of Schedule B. of Act No. XIV. of 1836, which provides that when sugar or rum shall be exported on British bottoms to any British possession, no duty shall be levied thereupon, and if on Foreign bottoms, a duty of 3 per cent. only shall be levied, that the said exemption from duty and advantage of rate shall not hold or apply to the case of sugar

exported to any British possession or settlement on the Continent of India (including the Port of Bombay), but duties shall be levied on such exports in the same manner as upon sugar and rum exported to other places, and the amount of duties so levied shall be credited, in the adjustment of any import duty to which the sugar so exported from Bengal may be subject at any place of import within the possessions of the East India Company.

XII. And it is hereby enacted, in modification of Section 18 of the Act XIV. of 1836, that when goods shall be shipped after port clearance, if the same be imported goods entitled to drawback, such drawback shall be forfeited, but no separate duty shall be levied thereon.

If goods entitled to drawback as being imported be shipped after port clearance, drawback shall be forfeited but no duty levied.

XIII. And it is hereby enacted, in modification of Section 15 of Act XIV. of 1836, that if goods landed at the Custom House be not claimed and cleared from the Custom House within three months from the date of entry of the ship in which such goods were imported, it shall be competent to the Collector to sell the goods on account of the duties, freight and other charges incurred and due thereon.

Collector may sell goods landed at the Custom House if not claimed and cleared within 3 months from ship's entry.

XIV. And it is hereby enacted, that no payment shall be made of drawback upon any goods exported from any port of Bengal or Orissa, unless the export be made within two years from the date of the import in the Custom House Registers, nor unless the claim to receive such drawback be made at the time of exportation, nor unless the amount due thereupon be demanded within one year from the date of entry for shipment in the Custom House Register.

No drawback to be paid on goods exported, unless three conditions shall be fulfilled.

XV. And it is hereby enacted, that drawback shall not be allowed upon goods shipped in dhonies and native craft, not navigated by pilots and not having Custom House Officers on board.

Drawback not to be allowed on goods shipped in native crafts.

XVI. And it is hereby enacted, in modification of Section 51 Regulation IX. of 1810, that the Board of Customs

Board may fix and alter rates of wharfage and godown rent, &c

and may determine the time for which goods may remain free.

Salt and Opium shall have power to fix, and from time to time to alter, the rates of wharfage and godown rent charges, and to determine the time for which goods shall be allowed to remain on the wharfs or in the godowns of the Custom House, free of charge, while the goods are being passed for import or export by sea.

Collector may require sea goods stowed in bulk to be weighed on board ship.

XVII. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that goods brought by sea and stowed in bulk shall be weighed on board ship before being sent to land, and to levy duty according to the result of such weighing.

Penalty for wilfully obstructing weighment.

XVIII. And it is hereby enacted, that whoever shall intentionally offer any obstruction to the weighing directed by the preceding Section, shall be punished with a fine not exceeding 500 Rupees.

ACT No. XVII. OF 1837.

Repealed by Act XVII of 1854.

ACT No. XVIII. OF 1837.

Repealed by Act XVII of 1862.

ACT No. XIX. OF 1837.

No person to be incompetent as a witness by reason of conviction for any offence whatever.

It is hereby enacted, that no person shall, by reason of any conviction for any offence whatever, be incompetent to be a witness in any stage of any cause, civil or criminal, before any Court in the territories of the East India Company.

ACT No. XX. OF 1837.

1. *Immoveable property in the Straits Settlement, as regards its transmission on death of person beneficially interested, to be of the nature of chattels real and not of freehold.*

2. *Advantage not to be taken of defects of title, if transmission took place before the 1st October, 1837, according to rules relating to freehold property, or according to the law of the deceased's nation, or was acquiesced in by all persons who would have been interested according to the law of chattels real.*

3. *Certain persons conveying for valuable consideration allowed to retain the consideration.*

I. It is hereby enacted, that from the first day of October, 1837, all immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, shall, as far as regards the transmission of such property on the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, be taken to be and to have been of the nature of chattels real and not of freehold.

II. Provided always, that in any suit at law or in equity which shall be brought for the recovery of such immoveable property as is aforesaid, no advantage shall be taken of any defect of title, arising out of the transmission of such property upon the death and intestacy of any person having a beneficial interest in the same, or by the last Will of any such person, if such transmission took place before the said first day of October, and if such transmission were according to the rules which regulate the transmission of freehold property, or were according to the law of the nation to which the deceased person belonged, or took place with the acquiescence of all those to whom any interest in that property would, according to the rules which regulate the transmission of chattels real, have accrued upon the death of that person.

III. Provided also, that in all cases where such immoveable property derived from a deceased person shall have been, before the said first day of October, conveyed for a valuable

consideration by any person who would be entitled to convey the same according to the rules which regulate the transmission of freehold property, or according to the law of the nation to which the deceased person belonged, the person who so conveyed shall be entitled to retain to his own use the consideration received for such conveyance.

GENERAL.

ACT No. XXI. OF 1837.

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1. *The local Government may in certain cases dispense with any oath now required to be taken.*
2. *But not with oaths taken in the course of judicial proceedings.*
3. *A written declaration to the same effect to be substituted for the oath dispensed with.*
4. *Repealed.*

I. It is hereby enacted, that from the first day of October, 1837, it shall be lawful for the Governor in Council of any Presidency of which there is a Council, and for the Governor of any Presidency of which there is no Council, to dispense with any oath, which by any Regulation of that Presidency or by any Act of the Governor-General of India in Council is now required to be taken, and that it shall be lawful for the Lieutenant-Governor of the N. W. Provinces to dispense with any oath which by any Regulation or any Act of the Governor-General of India in Council now in force within those Provinces is now required to be taken.

II. Provided always, that the dispensing power given by this Act shall not extend to any oath now required by law to be taken in any stage of any judicial proceeding.

III. And it is hereby enacted, that whenever any oath is dispensed with under the authority given by this Act, the person who but for such dispensation would have been legally required to take such oath shall, in the presence of the functionary by whom but for such dispensation such oath would

have been administered, make and subscribe a declaration in writing to the same effect with such oath.

IV. *Repealed by Act XVII.* 1862.

ACT No. XXII. OF 1837.

MADRAS.

1. *Neither the Criminal Judge nor the Magistrate of Chingleput to have jurisdiction over offences against the revenue committed within the Collectorate of Madras.*

2. *Such jurisdiction to be exercised by the Superintendent of Police of Madras, and his deputies, but subject to the same rules.*

4. *Superintendent and deputies may commit to the Madras jail any person whom the Criminal Judge, &c. might have committed.*

3, 5. *Repealed by Act XIII. of* 1856.

I. It is hereby enacted, that from the first day of November, 1837, neither the Criminal Judge nor the Magistrate of the zillah of Chingleput shall have any jurisdiction in respect of offences committed within the Collectorate of Madras against any Regulation relating to the public revenue.

II. And it is hereby enacted, that the whole jurisdiction now belonging to the said Criminal Judge, and also the whole jurisdiction now belonging to the said Magistrate in respect of such offences, shall, from the first day of November, 1837, belong to the Superintendent of Police of the town of Madras, and to every one of the deputies of the said Superintendent, and shall be exercised by the said Superintendent and by every one of the said deputies according to the rules by which the said Criminal Judge and the said Magistrate are now bound to exercise the same.

III. *Repealed by Act XIII.* 1856.

IV. Provided also, that it shall be lawful for the said Superintendent and every one of the said deputies, in cases in which the said Criminal Judge or the said Magistrate would

now be empowered to commit any person to the jail of Chingleput, to commit such person to any jail within the Collectorate of Madras.

V. *Repealed by Act XIII. of 1856*

ACT No. XXIII. OF 1837.

Repealed by Act XVII. 1862.

BENGAL and N. W. P.

ACT No. XXIV. OF 1837.

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1. *The Governor of Bengal and Lieutenant-Governor of the N. W. P. may appoint Superintendent of Police for their respective provinces.*

2. *Such Superintendents to be guided by Reg. X. 1808 and subsequent enactments, and Reg. I. 1829, Sec. 7 to cease to operate.*

3. *Reg. IX. 1831, to cease to operate within the Superintendent's jurisdiction.*

4. *Superintendent to exercise all the present powers of Commissioners of Circuit regarding appointment, suspension, and removal of subordinate ministerial Police Officers.*

5. *Sessions Judge, when vested with whole administration of criminal justice, shall try appeals from any order of Magistrate or Joint-Magistrate in any judicial proceeding whatever, but not from an order such as mentioned in last Section.*

6. *Decision of Sessions Judge in any judicial proceeding other than a criminal trial not to be open to appeal.*

7. *The control of Commissioners of Circuit over jails, officers, &c. to be transferred to the Sessions Judge.*

8. *Act when to come into operation.*

I. It is hereby enacted, that it shall be lawful for the Governor of the Presidency of Fort William in Bengal to appoint a Superintendent of Police for the territories under his government or for any part thereof, and for the Lieutenant-Governor of the N. W. Provinces to appoint a Superintendent of Police for those Provinces, or for any part thereof.

Superintendent of Police how to be appointed.

II. And it is hereby enacted, that whenever a Superintendent of Police shall be appointed under this Act, such parts of Section 7, Regulation I. 1829 of the Bengal Code, as vest the Commissioner of Revenue and Circuit with the duties and powers belonging to the Superintendent of Police, shall cease to have effect in the territories which may be comprised within the jurisdiction of such Superintendent,—and such Superintendent shall be guided in the execution of the duties of his office by the rules contained in Regulation X. 1808 and other Regulations of the Bengal Code subsequently enacted, in regard to the said office, in so far as they may not be modified or repealed by this Act.

And by what Regulations to be guided.

III. And it is hereby enacted, that whenever such a Superintendent of Police as aforesaid shall be appointed for any jurisdiction, Section 3, Regulation IX. 1831 of the Bengal Code, shall cease to have effect within that jurisdiction.

Reg. IX. 1831, Sec. 3, to cease to operate.

IV. And it is hereby enacted, that the Superintendent of Police appointed under this Act shall exercise all the powers that may be now legally exercised by the Commissioners of Circuit, in virtue of the authority vested in them by Section 3, Regulation I. 1829 of the Bengal Code, in regard to the appointment, suspension and removal of any Ministerial or Police Officer, subordinate to any zillah or city Magistrate, or Joint-Magistrate.

Powers of Superintendent as to subordinate ministerial police officers.

V. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. of 1835, be vested in any Sessions Judge, such Sessions Judge shall receive and try any appeal made to him

Sessions Judge may try appeal from order of Magistrate in any civil proceeding, but not from orders regarding ministerial officers.

from any order of any zillah or city Magistrate or Joint-Magistrate, whether such order may have been passed in a criminal trial or in any judicial proceeding whatever—provided, that it shall not be competent to such Sessions Judge to interfere with any order passed by a zillah or city Magistrate or Joint-Magistrate regarding the appointment, suspension, or removal of any Ministerial or Police Officer, the revision of which has by Section 4 of this Act, been entrusted to the Superintendent of Police.

Decision of Sessions Judge in judicial proceedings other than criminal trials to be final.

VI. And it is hereby enacted, that the decision of a Sessions Judge in appeal from the order of a zillah or city Magistrate, or Joint-Magistrate, in any judicial proceeding other than a criminal trial; and also the orders of the Superintendents of Police in regard to the appointment, suspension, or removal of a ministerial or police officer of a zillah or city Magistrate, or Joint-Magistrate, passed under the provisions of Sections 4 and 5 of this Act respectively, shall not be open to revision by the Nizamut Adawlut.

Control of jails, &c. to be transferred from Commissioner of Circuit to Sessions Judge.

VII. And it is hereby enacted, that whenever the whole administration of Criminal Justice shall, under the provisions of Act No. VII. 1835 and Section 5 of this Act, be vested in any Sessions Judge, such Sessions Judge shall possess the same control and superintendence over every jail under the management of any zillah or city Magistrate or Joint-Magistrate subject to his jurisdiction, and over the officers of every such jail, as may have been exercised by the Commissioners of Circuit under the provisions of Section 3, Regulation I. 1829, or of any Regulation, Act, or Circular Order of the Nizamut Adawlut, which may have been passed or issued since the promulgation of the said Regulation.

Act when to come into operation.

VIII. And it is hereby enacted, that this Act shall come into operation on the 1st January, 1838, except so much thereof as authorizes the appointment of Superintendents of Police, which shall come into operation from the day of the passing of this Act.

ACT No. XXV. OF 1837.

1. *Judge may refer to Principal Sudder Ameen suits for property to any amount.*

2. *Repeals parts of two Regulations referring to suits not cognizable by Sudder Ameens or Moonsiffs.*

3. *Repealed.*

4. *In all suits above the value of Rs. 5000, which shall be referred to Principal Sudder Ameen under this Act, the proceedings on appeal or application for Review of Judgment shall be direct to the Sudder Court, and shall be conducted precisely as if the decision were that of a Judge.*

5. *Where a suit, within the competency of a Moonsiff, shall be referred to a Principal Sudder Ameen or Sudder Ameen, the rules as to appeal and Stamp Duties shall not be affected.*

6. *But if the case be tried by a Principal Sudder Ameen, the appeal shall lie to the Judge only, and his decision thereon shall be final.*

7. *When a suit within the competency of a Sudder Ameen shall be referred to a Principal Sudder Ameen, the rules as to Stamp Duties and appeals shall not be affected.*

8. *The Sudder Courts may authorize zillah or city Judge to transfer miscellaneous and summary proceedings to Principal Sudder Ameen, who shall dispose of them according to the rules applicable to Judges, but the appeal shall lie in the first instance to the Judge.*

9. *Repealed.*

10. *Repeals Reg. V. 1831, Sec. 25, Cl. 1.*

11. *Extends Clause 2 of the same Regulation.*

12. *Moonsiffs, Sudder Ameens, and Principal Sudder Ameens shall appoint all the ministerial officers of their own Courts, subject to the general control of the district Judge and Sudder Courts.*

I. It is hereby enacted, in modification of Section 18, Regulation V. 1831 of the Bengal Code, that from the first day of November, 1837, no zillah or city Judge within the territories subject to the Presidency of Fort William in Bengal, shall be precluded, by reason of the amount or value of the property for the recovery of which a suit is instituted, from referring that suit to any Principal Sudder Ameen.

Judge may transfer to P. S. Ameen suits as to property of any value.

II. And it is hereby enacted, that so much of Clause 2, Section 31, Regulation VII. 1822, and Section 19, Regulation VIII. 1831 of the Bengal Code, as provides that suits

Certain suits rendered cognizable by, or referable to, Sudder Ameens and Moonsiffs.

of the description therein referred to shall not be cognizable by or referable to any Sudder Ameen or Moonsiff, be repealed.

III. *Repealed by Act X. 1861.*

Appeals and applications for Review of Judgment to be made direct to the Sudder Court.

IV. And it is hereby enacted, that in all suits exceeding the amount or value specified in Clause 1, Section 18, Regulation V. 1831, which shall, under the authority of Section 1 of this Act, be referred to a Principal Sudder Ameen, the appeal from the decision of such Principal Sudder Ameen shall be direct to the Court of Sudder Dewanny Adawlut, and shall be conducted in all respects according to the same rules as if it were an appeal from the decision of a zillah Judge to the said Court of Sudder Dewanny Adawlut; and any application for a Review of Judgment on such decision shall be made by the said Principal Sudder Ameen directly to the said Court of Sudder Dewanny Adawlut, and shall be conducted in all respects as if it were an application for a review of a decision of a zillah Judge.*

Rules as to Stamp Duties and Appeals not to be affected by reference of Moonsiff's case to S. Ameen or to P. S. Ameen.

V. And it is hereby enacted, that whenever a zillah or city Judge within the said territories, in the exercise of the discretion vested in him by Section 7, Regulation V. 1831 of the Bengal Code, shall refer for trial to a Sudder Ameen, or Principal Sudder Ameen, a suit within the competency of a Moonsiff to decide, such suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to appeal, as the said suit would have been subjected to, had it been received and tried by the Moonsiff in the first instance.

But when such suit shall be tried by a P. S. Ameen, appeal shall lie to the Judge only and finally.

VI. Provided always, that when any such suit shall have been decided by a Principal Sudder Ameen, the appeal from such decision shall lie to the zillah or city Judge, and shall be tried by him only, and that the decision of the zillah or city

* *By Act No. VI. of 1843, the provision of this Section in respect to appeals from decisions passed by Principal Sudder Ameens is extended to all interlocutory orders passed by those Officers in suits of the nature here specified.*

Judge on such appeal shall be final, anything in the existing Regulations to the contrary notwithstanding.

VII. And it is hereby enacted, that whenever a zillah or city Judge within the said territories shall refer for trial to a Principal Sudder Ameen, a suit within the competency of a Sudder Ameen to decide, such suit shall be subject to the same rules in regard to Stamp Duties, and to the same rules in regard to appeal, as the said suit would have been subjected to, had it been referred to and tried by the Sudder Ameen in the first instance.

Rules as to Stamp Duties and Appeals not to be affected by reference of a S. Ameen's case to a P. S. Ameen.

VIII. And it is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny Adawlut within the territories subject to the Presidency of Fort William in Bengal, by an order under the signature of the Register of such Court, to authorize the Judge of any zillah or city Court subordinate to such Court of Sudder Dewanny Adawlut, to transfer to a Principal Sudder Ameen any civil proceedings, whether miscellaneous or summary, which may be depending at the time when such order is issued or be thereafter instituted in the Court of the said zillah or city Judge, and all proceedings so transferred shall be disposed of by the said Principal Sudder Ameen according to the rules prescribed in the Regulations for the guidance of the zillah and city Judges in the like cases,—provided, however, that an appeal from the order of the Principal Sudder Ameen in such cases shall lie in the first instance to the zillah or city Judge, and specially to the Sudder Dewanny Adawlut.

The Sudder Courts may authorize Zillah Judge to transfer to P. S. Ameen any miscellaneous or summary suits.

Appeal to lie first to the Judge and specially to the Sudder Court.

IX. *Repealed by Act X. 1861.*

X. And it is hereby enacted, that Clause 1, Section 25, Regulation V. 1831, of the Bengal Code, be repealed.

Reg. V. 1831, S. 25, partly repealed.

XI. And it is hereby enacted, that the rule contained in the second Clause of Section 25, Regulation V. 1831, be extended to the ministerial officers of the Moonsiff's Court.

And partly extended to ministerial officers.

XII. And it is hereby enacted, that all ministerial officers of the Courts of Moonsiffs, Sudder Ameens, and Principal Sudder Ameens shall be nominated and appointed by those Courts respectively, subject to the general control of the zillah and city Judges and Court of Sudder Dewanny Adawlut, within whose jurisdiction the said Courts may be situated.

ACT No. XXVI. OF 1837.

A temporary Act empowering the Governor-General to act without his Council.

ACT No. XXVII. OF 1837.

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1 *Repealed.*

2. *Salt not to be manufactured till after written notice to the Collector of the district, stating particulars.*

3 *On receipt of notice, Collector shall depute officers to be stationed at each place of manufacture.*

4. *Officer stationed at salt works to have free passage over them, and to take account of and mark salt manufactured and stored therein, and to prevent its removal till after duty paid.*

5. *On receipt of duty, Collector to give receipt and order for removal in Form A*

6. *On production of the receipt and order, the officer stationed at the salt works shall fill up the blanks, and tear off the tally, and return the remainder to the person removing the salt, to whom it shall be a pass.*

7. *G. in C. may establish Chowkees near salt works, and may authorize officers stationed thereat to perform certain acts.*

8. *Collector may order destruction of salt works whereof due notice shall not have been given.*

9. *Collector may confiscate any salt irregularly removed, or clandestinely stored.*

10. *Penalty for manufacturing salt without notice, or removing or aiding removal of salt irregularly, or fraudulently counterfeiting Collector's mark—imprisonment for 3 months, or fine to Rs. 500, or both.*

11. *Penalty for obstructing salt officer—6 months' imprisonment, or fine to Rs. 1000, or both.*

12. *Repealed.*

13. *Penalty on salt officer, practising or attempting any fraud or abetting or conniving thereat respectively—two years' imprisonment or fine or both.*

14. *G. in C. may by an order in Council transfer the superintendence of the salt revenue and the Collector's powers under this Act to any other functionary.*

I. *Repealed by Act XII. 1844.*

II. And it is hereby enacted, that from the said day salt shall not be manufactured at any place within the said territories, unless the person conducting the manufacture shall have given notice in writing to the Collector of the district in which the place of manufacture may be situated, of his intention to manufacture salt at that place; and every such notice shall contain a true and accurate description of the situation of the works and of the name by which they are known, and, if the person giving the notice manufactures salt at more places than one, of the distance at which those places are from each other.

Salt not to be manufactured till after written notice to Collector.

III. And it is hereby enacted, that upon receiving such notice as is prescribed in the last preceding Section of this Act, the Collector of the district shall, by an order under his seal and signature, depute one or more officers, who shall be stationed for such time as the said Collector shall direct at every such place of manufacture.

Collector to station salt officer at each salt work.

IV. And it is hereby enacted, that every officer stationed at any salt works in the manner described in the last preceding Section of this Act, shall be entitled to have free passage over all parts of such works at all times, and to take at any time account of the quantity of salt manufactured and stored at such works, and to put on any portion of such salt which may be stored such a mark as may be prescribed by the Collector of the district, and to prevent the removal of such salt until the duty thereon has been paid.

Salt officer to have free passage over the works, and to take account of salt and prevent its removal till after duty paid.

V. And it is hereby enacted, that whenever the duty due under this Act on any portion of salt has been paid to the Collector of the district within which such salt was produced,

Collector to give receipt for duty and order for removal of salt in Form A.

such Collector shall deliver to the person who has paid such duty a receipt and order in the Form marked A. annexed to this Act, which receipt and order shall specify the amount of duty paid, and the quantity of salt which the person who has paid that duty is entitled to remove, and the place whence and the person to whom that quantity of salt is to be delivered.

Salt officer to fill up blanks and tear off the tally and return the pass to person removing the salt.

VI. And it is hereby enacted, that on the production of such a receipt and order as is described in the last preceding Section of this Act to the Officer stationed at the salt works whence the salt to which such receipt and order relates is to be removed, that officer shall fill up the blanks which are marked therein as intended to be filled up by that officer, and shall tear off and retain that part of the receipt and order which is marked as intended to be torn off, and shall deliver the remaining part of the receipt and order to the person who removes the salt, and the part of the receipt and order so delivered to the person removing the salt shall be a pass authorizing the removing of that salt.

G. in C. may establish Salt Chokies and authorize salt officers to do certain acts.

VII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to establish Chowkies, as near as conveniently may be to works where salt is manufactured, and to authorize any of the officers stationed at such Chowkies to stop and detain any salt which is removed otherwise than in conformity with the foregoing rules, and to search any load which may pass any such Chowkie, and which may be suspected to contain salt, and to take and cancel every pass under which salt shall be suffered to pass.

Collector may destroy salt works, not duly notified.

VIII. And it is hereby enacted, that it shall be lawful for the Collector of a district to direct that any salt works within that district, of which notice shall not have been given in the manner described in Section 2. of this Act, shall be destroyed.

And may confiscate salt irregularly removed, or clandestinely stored.

IX. And it is hereby enacted, that it shall be lawful for the Collector of a district to direct the confiscation of any salt which may have been removed from any works within

that district otherwise than in conformity with the foregoing rules, or which is found clandestinely stored for the purpose of evading the duty imposed by this Act.

Penalty for manufacturing salt without notice, or removing it irregularly or fraudulently, counterfeiting the Collector's mark.

X. And it is hereby enacted, that whoever shall manufacture salt at any works, whereof notice shall not have been given to the Collector of the district in the manner required by this Act, or shall remove or aid the removing of any salt from any salt works otherwise than in conformity to the provisions of this Act, or shall, with a fraudulent intention, counterfeit any mark which a Collector of a district may have ordered to be put on salt in store, shall be punished with imprisonment for a term not exceeding three months, or fine not exceeding 500 Rupees, or both.

Penalty for obstructing salt officer.

XI. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer, shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding 1,000 Rupees, or both.

XII. *Repealed by Act XVII. 1862.*

Penalty on salt officer practising, attempting, abetting or conniving at fraud.

XIII. And it is hereby enacted, that whoever being an officer, appointed under the authority of this Act, practises or attempts to practise, any fraud for the purpose of injuring the revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

G. in C. may transfer the superintendence of the Salt Revenue from Collector to any other functionary.

XIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, by an order in Council, to transfer the superintendence of the salt revenue of any district from the Collector of that district to any other functionary, and that whenever such a transfer shall take place, all provisions of this Act which apply to such a Collector shall be applicable to the functionary to whom the superintendence of the salt revenue has been so transferred.

PERMIT No. 1, OF ZILLAH SURAT

(THIS PART TO BE TORN OFF AND RETAINED BY THE OFFICER.)

Certified that the sum of Rupees 250 on account of Government duty on five hundred maunds of salt has been paid at the office of ——— for the district of ——— on this day the ——— of ——— in the year ———. The salt is to be delivered by ——— at the ——— works in Pergunna ——— on or before the 20th instant.

The Government Officer at those works, Lala Munsa Ram, is to allow the same to be delivered, provided this order is presented on or before the said twentieth day of December in the year 1838.

A. B., *Collector.*

Maunds 500.

10th December, 1838.

Part to ... vered ... ir and this
... celled ... 838, A. B.
So Officer.

(*Tear off here*) ———

Passed this 20th December, 1838, from salt works ——— belonging to ———, maunds of salt five hundred, to be carried away on Banjaree bullocks (here enter number). This pass will protect the dispatch to Doodea until sunset of the 21st December.

To be torn ... nd
delivered ... e
Banja...

ACT No. XXVIII. OF 1837.

Management of Stamp Duties may be transferred to an Uncovenanted Officer.

It is hereby enacted, that so much of Section 7, Regulation X. of 1829, of the Bengal Code, as directs that the Officer to whom the management of the Stamp Duties may be transferred shall be a Covenanted Officer, be repealed.

ACT No. XXIX. OF 1837.

GENERAL.

1. *Governor-General in Council may, by an order in Council, dispense with the use of the Persian language, and prescribe the language to be used, in Judicial and Revenue proceedings.*
2. *And may delegate the above power with any restrictions to any subordinate authority.*

I. It is hereby enacted, that from the first day of December, 1837, it shall be lawful for the Governor-General of India in Council, by an order in Council, to dispense either generally, or within such local limits as may to him seem meet, with any provision of any Regulation of the Bengal Code, which enjoins the use of the Persian language in any Judicial proceeding or in any proceeding relating to the Revenue, and to prescribe the language and character to be used in such proceedings.

II. And it is hereby enacted, that from the said day it shall be lawful for the said Governor-General of India in Council, by an order in Council, to delegate all or any of the powers given to him by this Act, to any subordinate authority, under such restrictions as may to the said Governor-General of India in Council seem meet.

ACT No. XXX. OF 1837.

Repealed by Act XVII. 1862.

ACT No. XXXI. OF 1837.

A temporary Act, by which it was ordered that coins should not bear on their obverse the head of Her Majesty, Queen Victoria.

ACT No. XXXII. OF 1837.

Repealed by Act XIV. 1839.

ACT No. XXXIII. OF 1837.

Repealed by Act XVII. 1862.

MADRAS.

ACT No. XXXIV. OF 1837.

Reg. VIII. 1827, Sec. 6 repealed, and Magistrates authorised to send persons other than Europeans and Americans, to Principal Sudder Ameens for trial, commitment or confinement.

I. It is hereby enacted, that from the fifteenth day of December, 1837, Section 6, Regulation VIII. of 1827 of the Madras Code, shall be repealed; and that it shall be lawful for Magistrates, under the Government of the Presidency of Fort St. George, to send persons for trial, committal, or confinement, to Principal Sudder Ameens, any provision of any Regulation to the contrary notwithstanding.

II. Provided always, that it shall not be lawful to send any European or American for such purpose to a Principal Sudder Ameen; but that Magistrates shall send Europeans and Americans for trial, committal, or confinement, to the Criminal Judges, as heretofore.

ACT No. XXXV. OF 1837.

Repealed by Act X. 1861.

ACT No. XXXVI. OF 1837.

MADRAS.

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1. *The jurisdiction of Collectors under Regulations IX.* 1822, *and VII.* 1828, *with respect to embezzlement of public money, &c., and falsification of public accounts, &c. extended.*

2. *Together with all provisions of those Regulations regarding such cases.*

I. It is hereby enacted, that from the fifteenth day of December, 1837, the jurisdiction vested in Collectors, Subordinate Collectors and Assistant Collectors, by Regulations IX. of 1822 and VII. of 1828 of the Madras Code, in cases of embezzlement of public money, and of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall extend to cases of the embezzlement of any public property or the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property, by any person of any of the classes described in the third Clause of Section 2, of the said Regulation IX. of 1822.

II. And it is hereby enacted, that from the said day, all provisions of either of the said Regulations IX. of 1822 and VII. of 1828, which apply to cases of the embezzling of public money, shall apply to cases of the embezzling of any public property whatever, by persons of any of the classes described in the third Clause of Section 2, of the said Regulation IX. of 1822: and that all provisions of either of those Regulations, which apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document relating to public money, shall apply to cases of the falsification, destruction, or concealment of any public account, record, voucher, or document, relating to any public property whatever, by persons of any of the said classes.

ACT No. XXXVII. OF 1837.

Repealed by Act XVII. 1862.

BENGAL.

ACT No. XXXVIII. OF 1837.

Any person may be appointed a local agent under Reg. XIX. 1810, *notwithstanding he is not in any branch of the Covenanted Service.*

It is hereby enacted in modification of the provision contained in Section 9, Regulation XIX. of 1810 of the Bengal Code that no person shall, by reason of his not being in the Civil, Military, or Medical branch of the service, be incapable of being appointed a Local Agent under that Regulation.

ACT No. I. OF 1838.

Repealed by Act XVI. 1844, and I. 1852.

ACT No. II. OF 1838.

Repealed by Act XIV. 1843.

ACT No. III. OF 1838.

Repealed by Act XVII. 1862.

ACT No. IV. OF 1838.

BOMBAY.

The Sudder Court may send to the zillah Court for trial any person committing perjury before it.

It is hereby enacted, that, if it shall appear to the Court of Sudder Adawlut of Bombay, that any person has been guilty of perjury in any matter depending in that Court, that Court may immediately commit the offender to custody, and transmit him to the zillah Court nearest to the Presidency in order to his being brought to trial before the Session Court of the zillah in which such zillah Court is situated: and such person shall be dealt with in the same manner, as if the perjury had been committed within the limits of the local jurisdiction of such Court of Session.

ACT No. V. OF 1838.

BENGAL.

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1. *Persons named in Schedule 1, to form a corporate body by the name of the Bengal Bonded Warehouse Association.*
2. *The Association to sue and be sued by its corporate name and may acquire, hold and transfer any property.*
3. *The capital stock to be Rs. 10,00,000 subscribed in 2,000 shares of 500 Rs. each.*

4. *Names, &c., of proprietors of shares to be registered in a book open to general inspection during business hours.*

5. *Directors to sign a certificate to every proprietor either for each share, or for all his shares.*

6. *Shares may be transferred by endorsement of proprietor or his attorney, but transfer not to be valid until registered.*

7. *Proprietor not to be a member of the corporation after ceasing to be proprietor—and vice versâ.*

8. *Business to be managed by six directors.*

9. *Director removeable by general meeting of proprietors.*

10. *Two directors to go out of office by rotation every year, and not to be re-eligible for a year.*

11. *If director cease to be so otherwise than by rotation, his successor to be appointed by an extraordinary general meeting.*

12. *Repealed by Act V.* 1854.

13. *No one to be director unless resident in Bengal.*

14. *Repealed by Act V.* 1854.

15. *Ordinary general meetings may be adjourned to any day.*

16. *Extraordinary general meeting to be held according to the bye-laws, but not without fourteen days' notice published in two Newspapers.*

17. *Questions at general meeting to be decided by majority of votes, the voter to possess at least two shares registered for two months.*

18. *No one to have more than eight votes. Scale of voting.*

19. *Joint proprietors to have one vote jointly.*

20. *Proprietors may vote by proxy in writing, general or special.*

21. *Directors may expend money, make contracts, appoint and remove servants, and generally manage subject to Bye-laws ; may keep seal, but not to affix it except in presence of three directors signing.*

22. *Directors may call for instalments up to* 50 *per cent. on each share. No further call to be made except by vote of a general meeting.*

23. *Interest at* 10 *per cent. to run on unpaid calls, and dividend may be applied in satisfaction of the same.*

24. *Directors may refuse to register transfer of any share of a proprietor who has not paid up, and may sell unpaid shares, giving purchaser a new certificate, and cancelling former certificates.*

25. *Act XXV.* 1836 *to apply to the Association's warehouses.*

26. *Association may give general security by bond under seal for payment of import and export duties.*

27. *Directors to fix rates for warehousing and receiving goods.*

28. *Secretary to sign and deliver warrant in Form contained in Schedule* 2 *to person lodging goods. Such warrant to be transferable by endorsement.*

29. *Association to be sued only in the Supreme Court.*

30. *Joint stock of the Association to be personalty or chattel interests, and not realty.*

31. *Proprietors not to be personally liable. Claimants and decree-holders to recover only out of the property of the Association.*

32. *Repealed by Act V. 1854.*

33. *Association may increase its capital stock by vote of two extraordinary general meetings specially convened, three months after each other.*

34. *Original proprietors to have option of subscribing rateably within one year for the increased capital stock.*

35. *Rules as to original, to be applicable to additional stock.*

36. *In case of sale of premises purchased from East India Company, the latter to have right of pre-emption. Price to be fixed by appraisers.*

37. *Repealed by Act V. 1854.*

38. *Association may be dissolved by vote of two-thirds of proprietors in number and value, at two successive special meetings held at intervals of three months.*

39. *On dissolution either by Governor-General in Council or by vote, the property of the Association to be converted into money, and surplus after satisfaction of debts to be divided.*

Schedule I. List of proprietors. Schedule II. Warrant of deposit.

I. It is hereby enacted, that the persons whose names appear in the Schedule No. 1 hereunto annexed shall, from the 11th day of March, 1838, form a corporate body for the warehousing of goods, either in bond or otherwise, by the name of the Bengal Bonded Warehouse Association.

Who to be members of the corporation and what to be its name.

II. And it is hereby enacted, that the said Association shall sue and be sued by its corporate name, and shall use such common seal as the directors of the said Association shall from time to time appoint, and may acquire, may hold absolutely, may hold by way of pledge, and may transfer any description of property whatever.

Association how to sue and be sued may hold, &c. any kind of property.

III. And it is hereby enacted, that the sum of 10,00,000 Rupees, subscribed for the purposes of the said Association by the persons hereby incorporated, shall be the capital stock of the said Association, and shall be divided into 2,000 shares of 500 Rupees each, and that every one of the persons hereby incorporated shall have one share of such capital stock for every 500 Rupees which such person shall have subscribed.

Capital, Rs. 10,00,000 shares, Rs. 500 each.

Names, &c. of proprietors to be registered in a book open to general inspection during business hours.

IV. And it is hereby enacted, that the directors of the said Association shall cause the names, additions, and places of residence of the proprietors of shares in the said capital stock, and the number of shares held by each proprietor, to be registered in a book, and the said shares shall in such book be numbered, beginning from No. 1, and such book shall be kept at the office of the said Association, and shall there be open to the inspection of all persons during the usual hours of business.

Proprietor to receive a certificate signed by three Directors for all, or for any number of, his shares.

V. And it is hereby enacted, that a certificate signed by three directors of the said Association shall be delivered to every proprietor of the said capital stock, and that it shall be at the option of every proprietor of several shares to receive one certificate for all the shares of such proprietor, or one certificate for each of those shares or several certificates, each of which may be for any number of those shares.

Shares to be transferable by endorsement and registry.

VI. And it is hereby enacted, that any share or shares of the said capital stock may be transferred by indorsement made on the certificate for such share or shares by the proprietor of such share or shares, or by the Attorney of such proprietor duly authorized thereunto; provided always, that such indorsement shall specify the name of the party to whom the transfer is made; and provided also, that no such indorsement shall be effectual to transfer any such share or shares until such indorsement shall have been registered in a registry to be kept for that purpose at the office of the said Association, and until a note of such registration, and of the date thereof, shall have been made on the back of the indorsed certificate under the hand of an officer appointed for that purpose by the directors of the said Association.

Proprietor not to be a member of the corporation after ceasing to hold shares—and vice versa.

VII. And it is hereby enacted, that every proprietor of a share of the said capital stock who shall cease to be a proprietor of such stock, shall cease to be a member of the corporation created by this Act; and that every person who shall become a proprietor of the said capital stock, shall become a member of the corporation created by this Act; and shall,

in respect of his share or shares of the said capital stock, be under the same liabilities under which an original proprietor of the said capital stock, would be.

VIII. And it is hereby enacted, that the business of the said Association shall be managed by six directors; and that Francis Macnaghten, Joseph Walker, Jasper Ouseley, Richard Howe Cockerell, Alexander Colvin, Joseph Willis, and James Church, Esquires, shall be the first Directors of the said Association.

Business to be managed by six Directors.

IX. And it is hereby enacted, that every Director of the said Association may be removed by a general meeting of the proprietors, and that every future Director of the said Association shall be elected by such a general meeting.

Director removable by general meeting.

X. And it is hereby enacted, that a rotation among the Directors of the said Association shall be settled by lot, so that two of the said Directors may go out of office on the Monday following the 15th day of May in every year, and that on the Monday following the 15th day of May in every year a general meeting of proprietors, shall be held, at which two Directors shall be chosen, and that no Director going out by such rotation shall be capable of being re-elected, till the Monday after the 15th of May in the year next following.

Two Directors to go out of office by rotation every year and not to be re-eligible for a year.

XI. And it is hereby enacted, that if any Director of the said Association shall cease to be a Director, otherwise than by the operation of the rule of rotation aforesaid, the Directors of the said Association shall, with all convenient speed after such public notice as is hereinafter directed, call an extraordinary general meeting of the proprietors for the purpose of choosing a successor, and such successor shall come into the same place in the rotation aforesaid in which the Director whom he has succeeded was.

If Director cease to be so otherwise than by rotation, his successor to be appointed by an extraordinary meeting.

XII. *Repealed by Act V.* 1854.

XIII. And it is hereby enacted, that no person shall be capable of being a Director of the said Association, unless he

No one to be Director unless resident in Bengal.

be resident within the territories subject to the Presidency of Fort William in Bengal.

XIV. *Repealed by Act V.* 1854.

Ordinary meetings may be adjourned to any day.

XV. And it is hereby enacted, that any ordinary general meeting of the said Association may adjourn itself to a future day, and may, on the day to which it shall have so adjourned itself, resume its proceedings, and transact any business which it would have been competent to transact on the day when it originally assembled.

Extraordinary meeting to be held according to the Bye-laws, but not without fourteen days' notice.

XVI. And it is hereby enacted, that extraordinary general meetings of the said Association shall be held according to such rules as may be made for that purpose in the Bye-laws of the said Association; provided always, that no such extraordinary general meeting shall be held without a previous notice of not less than fourteen days, which notice shall be published in not less than two newspapers printed at Calcutta.

Questions at general meeting to be decided by majority of votes.

XVII. And it is hereby enacted, that at general meetings of the proprietors, every election and question shall be decided by a majority of votes; and that no proprietor shall be allowed to vote, unless he be possessed of two or more shares of the capital stock of the said Association, which shares shall have been registered in his name not less than three calendar months before.

No one to have more than eight votes. Scale of voting.

XVIII. And it is hereby enacted, that at such general meetings, no proprietor shall have more than eight votes, and that the proprietors shall vote according to the following scale:

2	Shares shall entitle to	1 Vote.
4	... ...	2 ditto.
6	... ...	3 ditto.
10	... ...	4 ditto.
20	... ...	6 ditto.
35	... .	7 ditto.
50	... ...	8 ditto.

XIX. And it is hereby enacted, that if more persons than one, being partners in trade, shall be joint proprietors of two or more shares of the said capital stock, and shall agree to give a joint vote or joint votes, such joint vote or joint votes shall be received in all respects as the vote or votes of a single proprietor would be received.

Joint proprietors to have one vote jointly.

XX. And it is hereby enacted, that every proprietor entitled to vote at any general meeting, may give a proxy in writing, general or special, limited or unlimited, and signed by himself or by his attorney duly authorized thereunto, to any other proprietor; and that the proprietor to whom the proxy is given, may vote on behalf of the proprietor who had given the proxy, according to the terms of such proxy.

Proprietors may vote by proxy.

XXI. And it is hereby enacted, that the Directors of the said Association shall have authority to expend the money of the said Association for the purpose of purchasing and erecting warehouses, and of warehousing and bonding goods therein, and to make and fulfil contracts for the said purpose, and to appoint and remove such servants as may be necessary for the said purpose, and generally to manage all the concerns of the said Association, subject to such rules as may be laid down in the Bye-laws of the said Association, and to keep the seal of the said Association, and to use the said seal in the affairs of the said Association; provided always, that the said seal shall never be affixed to any instrument except in the presence and by the consent of three directors, who shall sign their names on every such instrument in token of their presence and consent.

Powers of Directors.

XXII. And it is hereby enacted, that the Directors of the said Association shall have authority to call on the proprietors to pay such instalment or instalments as shall, together with the instalments already paid, amount to a sum not exceeding 50 per cent. on each share; and that no further call shall be made, except in consequence of a vote of a general meeting of the proprietors authorizing such further call; provided always, that no proprietor shall be called upon to pay more

Directors may call for instalments up to 50 per cent. on each share.

in proportion to his share in the capital stock than any other proprietor.

Interest at 10 per cent. to run on unpaid calls, and dividend may be applied in satisfaction of the same.

XXIII. And it is hereby enacted, that if any proprietor shall not pay any instalment which he is lawfully called upon to pay in the manner described in the last Section, on the day appointed for such payment, the said Association shall have a claim against such proprietor for interest on the deficient sum, after the rate of 10 per cent. per annum; and that it shall be lawful for the Directors of the said Association to apply, in satisfaction of such instalment and of such interest, any dividend due to such proprietor, placing every dividend so applied to the credit of such proprietor with the said Association.

Directors may refuse to register transfer of any share not paid up, and may sell unpaid shares.

XXIV. And it is hereby enacted, that it shall be lawful for the Directors of the said Association to refuse to register the transfer of any share belonging to any proprietor who shall not have paid such instalment and interest as aforesaid; and that in case such instalment and interest shall not be paid within two months after notice to pay the same has been given by the said Directors to such proprietor, or to his attorney or attorneys duly authorized, it shall be lawful for the said Directors to sell by public sale the share or shares of such proprietor, to such an extent as may be sufficient to satisfy such instalment and interest, and to grant upon such sale a new certificate or new certificates to the purchaser of such share or shares, whereupon the former certificate or certificates for such share or shares shall become void, and if there be any surplus after such instalment and interest have been satisfied, such surplus shall be paid on demand to the proprietor of such share or shares, and shall till demand be credited in the books of the said Association to such proprietor, but no interest shall run thereon.

Act XXV. 1836 to apply to the Association's warehouses.

XXV. And it is hereby enacted, that all the provisions of Act No. XXV. of 1836 of the Governor-General of India in Council, relating to private licensed warehouses, shall be applicable to all warehouses wherein the said Association shall receive bonded goods.

XXVI. And it is hereby enacted, that it shall be lawful for the said Association to give general security, by bond, under the seal of the said Association for payment of the full duties of importation on goods lodged in any warehouse of the said Association, or for the due exportation of such goods; and if the said Association shall give such bond, no security shall be required from any other party to the same effect.

Association may give general security by bond under seal for payment of import and export duties.

XXVII. And it is hereby enacted, that the Directors of the said Association shall, from time to time, fix the rates at which the said Association will warehouse goods and receive goods at its wharfs, and that a table of such rates shall be placed at every warehouse and wharf of the said Association.

Directors to fix rates for warehousing and receiving goods.

XXVIII. And it is hereby enacted, that as often as any goods are lodged in any warehouse of the said Association, the Secretary of the said Association shall deliver a warrant signed by him as such Secretary, to the person lodging such goods, which warrant shall be as nearly as possible in the form set forth in Schedule 2, annexed to this Act, and such warrant shall be transferable by endorsement, and shall entitle any person to whom it may have been so transferred by endorsement, to receive the goods specified in such warrant, on the same terms on which the person who originally lodged those goods would have been entitled to receive the same.

Secretary to deliver warrant to person lodging goods. Such warrant to be transferable by endorsement.

XXIX. And it is hereby enacted, that all suits brought against the said Association shall be brought in the Supreme Court of Judicature at Fort William in Bengal, and not elsewhere.

Association to be sued only in Supreme Court.

XXX. And it is hereby enacted, that all the joint stock of the said Association of what kind or description soever, and all the land, warehouses, messuages, tenements, hereditaments, premises and property acquired therewith, of which the said Association shall become in any manner possessed, entitled to, or interested in, shall be held and enjoyed by the proprietors thereof, and their successors respectively, as personal estate, or as in the nature of chattel interests, and not as, or in the nature of, real estate.

Joint stock of the Association to be personalty or chattel interests, and not realty.

Proprietors not to be personally liable.

XXXI. And it is hereby enacted, that in order to define the liability of proprietors of shares, and to save harmless themselves and their respective heirs, executors, administrators, representatives, and assigns, no proprietor, his heirs, executors, administrators, or assigns, shall be personally liable to any person or persons whatsoever by reason of being a proprietor in any event, or for or on account of any acts, deeds, contracts, or liabilities of the said Association, or of the Directors or Secretary thereof respectively, or under or by virtue of any judgment or decree in any action or suit, but that the party or parties having any legal or equitable demand or claim for or on the account last aforesaid, or having obtained such judgment or decree as last aforesaid, shall and may only recover the amount of such demand, claim, judgment, or decree from and out of or to the whole extent of the paid up capital, accumulated funds, lands, messuages, tenements, hereditaments, and premises whatsoever, and wheresoever, which may at the time belong to the said Association, or to which they may at the time be entitled.

XXXII. *Repealed by Act V.* 1854.

Capital stock how to be increased.

XXXIII. And it is hereby enacted, that it shall be lawful for the said Association to increase its capital stock; provided always, that no such increase shall take place unless it be authorized by a vote of two extraordinary general meetings of proprietors especially convened for that purpose, of which meetings the second shall be held not less than three calendar months after the first.

Original proprietors to have option of subscribing rateably within one year.

XXXIV. And it is hereby enacted, that in the event of such increase, the proprietors of the original stock shall not be bound to subscribe, but shall in the first instance have the option of subscribing for the increased capital stock in proportion to the share which each has of the original capital stock; and so much of the additional capital stock as shall not be subscribed for by the said proprietors of the original stock, within one year after the passing of the final resolution

for the increase, shall be open to the public, and be sold for the benefit of the said Association by public sale.

XXXV. And it is hereby enacted, that all the rules laid down in this Act respecting the original capital stock of the said Association, shall be applicable to any additional stock which may be subscribed in the manner hereinbefore described.

Rules as to original to be applicable to additional stock.

XXXVI. And it is hereby enacted, that if the said Association shall be desirous to dispose of any premises purchased by the said Association from the East India Company, the said East India Company shall have the right of preemption, and the price shall be fixed by two appraisers, the one named on the part of the said East India Company, and the other by the Directors of the said Association; and if the said appraisers shall not agree on a price, the price shall be fixed by an umpire named by the said appraisers.

In case of sale of premises purchased from E. I. Company, the latter to have right of preemption.

XXXVII. *Repealed by Act V.* 1854.

XXXVIII. And it is hereby enacted, that the said Association may at any time be dissolved by a resolution to that effect of two-thirds in number and value of the proprietors qualified to vote, at two successive extraordinary meetings specially called for the purpose of taking into consideration the expediency of such dissolution; provided that not less than three months shall have elapsed between the first and second of such two extraordinary meetings.

Association how to be dissolved.

XXXIX. And it is hereby enacted, that whenever the dissolution of the said Association shall be ordered either by the Governor-General of India in Council, or by a vote of the said Association, the Directors of the said Association shall cause all the property of the said Association to be converted into money, and shall divide whatever surplus may remain after satisfying the debts of the said Association among the proprietors in proportion to the shares which the proprietors have in the capital stock of the said Association; and after such distribution the said Association shall forthwith be dissolved.

Proceedings upon dissolution.

SCHEDULE No. 1.

LIST OF PROPRIETORS OF SHARES.

R. H. Cockerell.
W. Speir.
W. Martin.
R. Speir.
T. Speir.
J. S. Brownrigg.
J. Cockerell.
G. G. de H. Larpent.
J. St. Pourcain.
J. M. Dove.
Gungapersaud Gossain.
Ramchunder Seal.
J. Willis.
W. Earle.
D. Willis.
T. Willis.
J. Master.
G. C. S. Master, Lieut.
Trustees of Mrs. Limond's Marriage Settlement.
J. W. J. Ouseley, Capt.
G. A. Prinsep.
W. Barrington, Capt.
T. C. Robertson.
Ramdas Dey.
Bonomalee Mullick.
A. Muller.
Charles Trebeck.
T. Bowring.
J. W. Alexander.
T. B. Swinhoe.
Robert Swinhoe.
A. Dobbs.
John Watson.
James Colquhoun.
James Church.
Edward Harding.
Henry Moore.
R. Watson.
Mrs. B. Betty.
Henry Mackenzie.
Adam Scott and Co.
Holodhur Chowdry.
Charles S. Gover.
K. R. Mackenzie.
S. R. Crawford.
T. A. Shaw.
W. A. Shaw.
H. Walters.
J. Innes.
W. Adam.
Joseph Worthington.
James Cullen.
J. C. Palmer.
A. Colvin.
W. Ainslie.
H. Cowie.
T. S. Anquetil, Lieut.-Col.
W. H. Martin.
A. Irvine, Major.
W. A. Peacock.
J. A. Moore, Major.
T. W. Burt.
William Braddon.
Francis Macnaghten.
Carr, Tagore and Co.
W. Carr, Trustee for Mrs. Dick's Marriage Settlement.
Robert Lyall.
Charles Lyall.
John Lyall.
David Lyall.
W. T. Dawes.
Colville, Gilmore & Co.
Alexander Rogers.
J. H. Crawford.
A. Porteous.
J. Mackey and Co.
James Mackenzie.
P. J. Sarkies.
G. Collier.
R. Bird.
J. Ranken, M. D.
Brijobullub Doss and Gocul Doss.
A. S. Stopford.
A. Beattie.
Wilson, Frith and Co.
G. C. Arbuthnot.
A. Jackson.
A. S. Gladstone.
J. Craigie, Lieut.-Col.
J. Williams.
J. B. Higginson.
Megnarain Roy.
Rumnarain Mookerjee.
Doorgachurn Mookerjee.
Gowrichurn Mookeejee.
I. B. Biss.
J. S. Biss.
Rogoonath Coondo.
W. F. Gibbon.
J. Cock.
H. F. King.
James Hill.
Taraneechurn Chatterjee.
G. Herklots, Junior.
F. O. Wells.
C. Lancaster.
C. Lancaster, Trustee for Mrs. Cornish's Marriage Settlement.
George Dougal.
John Richards.
Bruce, Shand and Co.
G. W. A. Lloyd, Lieut.-Col.
W. Freeth, Captain.
J. P. Marcus.
Mrs. Bruce.
Miss L. W. Bruce.
Joseph Bruce.
Charles C. Bruce.
Debnarain Dey.
William Bruce, Trustee for Mrs. Col. Lloyd.
W. Ryland.
M. Hughes, Captain.
Annunchunder Mitter.
J. A. Walker.
T. Hyde Gardiner.
J. C. Owen.
Moheschunder Mitter.
Prawnkisto Doss.
Conai Lal and Mukun Lal.
J. Rostan, Junior.
J. H. Rostan.
Madobchunder Sandell.
Dyalchaund Bysack.
Gopeekissen Paul.
Ditto ditto, for Mrs. A. G. Glass.
Ditto ditto, for E B. Squire, Junior.
Doorgachurn Bose.
Rajkissore Lahory.
Gourmohun Coondoo.
S. Hornby.
Hurrischunder Bose.
Ramsoonder Mullick.
Rajchunder Ghose.
Radanauth Dutt.
H. Barrow.
Godadhur Mitter.
E. D'Cruz.
Goluckchunder Dutt
Luckinarain Dey.
T. Blechynden.
W. Rushton.
A. J. Sturmer.
Boloram Dey.
Obhoychurn Mookerjee.
Bolychaund Bysack.
Mrs. Sarah Moss.
W. Barrett.

Hurrimohun Mookerjee.	J. George.	Gorachand Bose.
Mohunchunder Ghose.	Mrs. C. Shelverton.	J. E. Dunn.
Hurrimohun Banerjee.	C. Shelverton.	D. W. H. Speed.
Kistnomohun Seal.	Cassinath Bonerjee.	Rajkissen Dey.
Hurrochunder Bose.	P. S D'Rozario.	Jomejoy Bose.
W. Stacy.	J. D'M. Sinaes, in Trust for Miss J. F. Speed.	

SCHEDULE No. II.

CALCUTTA BENGAL BONDED WAREHOUSE ASSOCIATION.

I do hereby certify that have deposited in the warehouse of the Association, the undermentioned goods which goods, the Association engage on demand, after payment of rent and incidental charges and Government dues or customs chargeable thereon, to deliver to the said or their Assigns, or to the holder of this warrant to whom it may be transferred by endorsement.

——— *Secretary.*

ACT No. VI. OF 1838.

Repealed by Act XXXVII. 1850.

ACT No. VII. OF 1838.

Repealed by Act X. 1861

ACT No. VIII. OF 1838.

Repealed by Act VIII. 1851.

ACT No. IX. OF 1838.

Repealed by Act XVII. 1862.

ACT No. X. OF 1838.

N. W. P.

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1. *Bengal Reg. X.* 1817, *repealed.*
2. *Functionaries in Kumaon to be under control of Sudder Courts and Sudder Board at Allahabad.*

1. It is hereby enacted, that Regulation X. 1817, of the Bengal Code, be repealed.

II. And it is hereby enacted, that the functionaries who are or may be appointed in the province of Kumaon be henceforth placed under the control and superintendence, in civil cases, of the Court of Sudder Dewanny Adawlut at Allahabad; in criminal cases, of the Court of Nizamut Adawlut at Allahabad; and in revenue cases, of the Sudder Board of Revenue at Allahabad; and that such control and superintendence shall be exercised in conformity with such instructions as the said functionaries may have received, or may hereafter receive, from the Government of the North-Western Provinces of the Presidency of Fort William.

BENGAL

ACT No. XI. OF 1838.

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1. *Reg. XIX. 1811, repealed.*
2. *The Sudder Boards of Revenue at Calcutta and Allahabad, with sanction of the respective local Governments, may fix the remuneration of persons effecting partition of estate; and may cause the same to be levied as an arrear of revenue.*

I. It is hereby enacted, that Section 15, Regulation XIX. of 1811, of the Bengal Code be repealed.

II. And it is hereby enacted, that it shall be lawful for the Sudder Board of Revenue at Calcutta, with the sanction of the Governor of Bengal, and for the Sudder Board of Revenue at Allahabad, with the sanction of the functionary exercising the authority of Government in the North-Western Provinces, to fix the remuneration of an Ameen, or other person employed to effect a partition of an estate under the Regulations enacted for that purpose, and to cause the same to be levied from the parties concerned, in the same manner as an arrear of revenue, at such periods, and in such proportions, as the said Boards may severally think fit.

ACT No. XII. OF 1838.

MADRAS.

Powers vested in Judges with regard to hidden treasure to be vested in P. S. Ameens subject to same rules.

It is hereby enacted, that from the first day of July, 1838, all powers vested by Regulation XI. of 1832, of the Madras Code, in Zillah or Assistant Judges, shall be vested in every Principal Sudder Ameen within the territories subject to the Government of the Presidency of Fort St. George, in respect of all hidden treasure of any of the kinds specified in Section 2 of that Regulation, which may be found within his jurisdiction; and all rules applicable to Zillah or Assistant Judges, shall be applicable to every such Principal Sudder Ameen, in respect of such treasure.

ACT No. XIII. OF 1838.

Repealed by Act I 1846.

ACT NO. XIV. OF 1838.

MADRAS.

Governor in Council may extend Regulations III. 1820, and IX. 1831, to gunjah and bhang. No person to have more than one half viss without license.

It is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George, by an Order in Council, to extend the provisions of Regulations III., of 1820, and IX. of 1831, to the articles of gunjah and bhang:—the quantity of gunjah and bhang, which each person shall be allowed to have in his possession without a license, within the limits specified in any such order, shall not exceed one half viss.

ACT No. XV. OF 1838.

Repeals Cl. 1, Sec. 35, Regulation XII. 1827.

It is hereby enacted, that Clause 1, Section 36, Regulation XII. of 1827, of the Bombay Code, be repealed.

BOMBAY

ACT No. XVI. OF 1838.

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1. *All suits regarding tenures and the interests of parties therein, or regarding right to possession of land or of wuttuns, to be brought in the Civil and not in the Revenue Courts; but Revenue Courts may give immediate possession of lands, &c., to party dispossessed, provided he apply within six months after dispossession.*

2. *If Judge or Collector doubt his jurisdiction, he may refer the party to the Court which he deems to have jurisdiction, and such Court may refer the question to the Sudder Court, whose decision may be final.*

3. *Similar provisions as to subordinate Courts, doubting their jurisdiction.*

4. *If proceedings be taken in a Court not having jurisdiction, the Sudder Court may refer them to the proper Court.*

5. *If suit be brought in wrong Court, the Appellate Court shall not quash all the proceedings, but merely refer the suit to the proper Court. No new stamps except on new exhibits.*

6. *Original suits and appeals now pending to be forthwith transferred to Civil Courts.*

All suits regarding tenures and the interests of parties therein or regarding right to possession of land or of wuttuns, to be brought in the Civil, and not in the Revenue Courts.

1. *Clause 1st.*—It is hereby enacted, in modification of the rules contained in Chapter 8, Regulation XVII. of 1827, of the Bombay Code, that in the territories subject to the Presidency of Bombay, all suits in regard to tenures, and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land, or of the wuttuns of hereditary district or village officers is claimed, shall be brought in the Courts of Adawlut and the Courts subordinate thereto, and not in the Courts of Revenue.

But Revenue Courts may give immediate possession of lands, &c., to party dispossessed, provided he apply within six months.

Clause 2nd.—Provided nevertheless, that it shall be lawful for the Revenue Courts to give immediate possession of all lands, premises, trees, crops, fisheries, and of all profits arising from the same, to any party dispossessed of the same or of the profits thereof, provided application be made to them

by such party within six months from the date of such dispossession. And in order to the due execution of such power, it shall be lawful for the Revenue Courts to determine the facts of such possession and dispossession;—and the party to whom the Revenue Courts shall so give immediate possession, shall continue in possession, until ejected by a decree of a Court of Adawlut.

Clause 3rd.—Provided also, that nothing contained in this Act shall be held to interfere with the jurisdiction defined in clauses 3, 4, and 5 of Section 31, Regulation XVII. of 1827, of the aforesaid code, which shall continue to be exercised by the Revenue Courts.

If Judge or Collector doubt his jurisdiction he may refer the party to the Court which he deems to have jurisdiction.

II. And it is hereby enacted, that if a suit be presented in the Court of a Judge or Collector which such Judge or Collector shall not deem within his jurisdiction, the party presenting such suit shall be referred by the Court in which it may be first presented to that in which, in the opinion of such Court, the jurisdiction lies, and the latter Court shall, in the event of its doubting its jurisdiction in the case, refer the question of jurisdiction to the Sudder Dewanny Adawlut, whose decision on the point shall be final.

Similar provisions as to subordinate Courts, doubting their jurisdiction.

III. And it is hereby enacted, that if a suit be presented in any Court subordinate to the Court of a Judge or Collector, which suit such subordinate Court shall not deem to be within its jurisdiction, such subordinate Court shall submit the case to the Judge's or Collector's Court to which such subordinate Court is subordinate, and if the superior Court to which the case is so submitted shall be of opinion that such subordinate Court has jurisdiction in the case, such superior Court shall direct such subordinate Court to proceed with the case, and if such superior Court shall be of opinion that such subordinate Court has not jurisdiction in the case, such superior Court shall proceed in the manner directed in the last preceding Section.

If proceedings be taken in a Court not having jurisdiction, the Sudder Court

IV. And it is hereby enacted, that whenever a Court of Adawlut or a Revenue Court shall have entered on its file, under this Act, a suit in which it has not jurisdiction, it shall

may refer them to the proper Court.

be competent to the Sudder Dewanny Adawlut, either on a reference from the Judge or Collector, (as the case may be,) or on application from the parties, to direct that the suit be transferred, with all the proceedings which may have taken place therein up to the period of transfer, to the Court possessing jurisdiction, which shall proceed therewith as if the suit had been originally filed in that Court.

If suit be brought in wrong Court, all the proceedings but merely refer to the proper Court.

V. And it is hereby enacted, that when any Court trying an appeal finds that the action was originally brought and decided in a Revenue Court, when it ought to have been brought and decided in a Court of Adawlut, or a Court subordinate thereto, or that the action was originally brought and decided in a Court of Adawlut, or a Court subordinate thereto, when it ought to have been brought and decided in a Revenue Court, the Court trying the appeal shall, instead of quashing the whole proceedings, annul only the decree, and refer the suit to be tried in the Court to which the jurisdiction properly belongs, without further costs of stamps to the parties, except on new exhibits, if any such should be allowed to be filed; and the Court trying any such case referred under the foregoing Section shall take further pleadings, exhibits, and evidence only if it deem such necessary, and shall pass a new decree; but if an appeal be made from such new decree by the party originally bringing the appeal, then the decree of the Court trying such new appeal shall be passed without the cost of a new stamp on the petition of appeal to that party.

No new stamps except on new exhibits.

Cases pending to be forthwith transferred to Civil Courts.

VI. And it is hereby enacted, that all original suits and appeals relating to any of the subjects enumerated in Clause 1st, Section 1 of this Act, which may be depending in the Revenue Courts, shall be forthwith transferred to the Courts of Adawlut; and in all cases where the right of appeal may now be open, the appeal shall be brought to the Court to which, under the Rules of this Act, such appeal shall lie.

ACT No. XVII. OF 1838.

Repealed by Act X. 1861.

ACT No. XVIII. OF 1838.

BOMBAY.

1. *Collector, &c., may take security from any uncovenanted or uncommissioned officer employed under him.*

2. *Sureties to be jointly and severally liable notwithstanding proceeding against principal, but only to extent of damage sustained by Government. Surety not to be imprisoned in default of producing public papers, &c., if he pay the penalty of the bond.*

3 *Collector, &c., under sanction, may demand additional security.*

4. *Surety may withdraw on giving written notice, and his responsibility shall cease after 60 days therefrom.*

5. *Liability of surety not to be affected by principal's death or appointment to a different situation.*

6. *Liability af surety to begin from appointment of principal, or cancelment of former bond.*

Schedule. Form of Bond.

Collector, &c., may take security from any uncovenanted or uncommissioned officer under him.

I. It is hereby enacted, that from the first day of October next, in addition to the security authorized to be taken by Section 12, Regulation XVI. 1827, of the Bombay Code, it shall be lawful for every Collector or other principal officer entrusted with the collection or management of the Revenues of Government, in the territories subject to the Government of the Presidency of Bombay, to require security of one or more individuals in the Form of Schedule A, from any officer employed under him, not being a Covenanted Servant or Commissioned Officer of the East India Company.

Effect of surety Bond.

II. *First.* And it is hereby enacted, that the surety or sureties of such officer as is aforesaid, who may enter into a bond of the Form Schedule A, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against, in case of default, and notwithstanding such principal may be so proceeded against.

Second. Provided always, that no greater sum shall be recovered from the surety or sureties than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, as the amount which may be

due from such surety or sureties under the terms of the Security Bond executed by him or them.

Third. And provided also, that the said surety or sureties shall in no case be liable to summary imprisonment in default of producing public papers or property, provided he or they pay into the Collector's treasury, the whole or such part of the penalty named in the Bond as may be demanded.

Collector, &c., under sanction, may demand additional security.

III. And it is hereby enacted, that the Collector or other officer as aforesaid may, at any time after security has been given, the sanction of the superior Revenue authority being first obtained, demand fresh or additional security, as may seem to him expedient.

Surety may withdraw on giving written notice, and his responsibility shall cease after 60 days.

IV. And it is hereby enacted, that any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on his stating, in writing, to the officer to whom the Bond has been given, that he desires so to withdraw; and his responsibility under the Bond shall cease after sixty days from the date on which he gives such writing as to all demands upon his principal concerning monies, papers, or accounts for which his principal may become chargeable after the expiration of such period of sixty days.

Liability of surety not to be affected by principal's death or appointment to a different situation.

V. And it is hereby enacted, that the liability of the surety or sureties shall not be affected by the death of a principal, or by his appointment to a situation different from that which he held when the Bond was executed.

Liability of surety to begin from appointment of principal, or cancelment of former bond.

VI. And it is hereby enacted, that the date from which the liability of the surety or sureties is to commence shall be stated in the Bond, and such date shall be that of the appointment to the situation which the principal is declared in the Bond to hold, or that from which any former Security Bond has been cancelled, or any other specific date which the officer requiring such security may determine, and the party or parties executing the Bond shall agree to.

SCHEDULE A.

FORM OF BOND.

I, A. B., (we A. B. and C. D.) do hereby become security on the part of E. F., holder of the office of ——— in the Collectorship of ——— and bind myself (ourselves severally and jointly) to make good all demands for public money, public papers and accounts, and all other property appertaining to Government, which may have arisen from the date from which this Bond is to take effect as hereinafter mentioned, and which may arise during such period as this Bond may continue in force against the said E. F., and on failure to produce public accounts, papers, or other property appertaining to Government, not being money, I (or we) agree to forfeit such sum, not exceeding (10,000 Rs. or as the case may be) as the Collector (or other officer as the case may be) may deem proper.

This Bond is to have effect from the date of appointment of the said E. F. (or as the case may be).

Executed this ——— day of ——— in the year of ———.

Witnesses.

(Signature of Security.)

ACT No. XIX. OF 1838.

BOMBAY.

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1. *Reg. XX. 1827, Sections 20 and 21 repealed.*

2. *Following rules to be in force as to coasting vessels and fishing and harbour craft belonging to His Majesty's subjects.*

3. *Owner to cause number, and name of place of vessel to be painted in black on a white ground on each quarter in English figures, in letters 6 inches long.*

4. *Name, number, and burthen of vessel and names of her owners to be registered, and fresh registry to be made in case of change in burthen or owners.*

5. *Owner to apply for registry. Registering Officer at subordinate port to give immediate information to the Master Attendant at Bombay.*

6. *Master Attendant at Bombay, and Collector of Customs at other places, to mark and ascertain burthen of vessels, &c.*

7. *Certificate of registry in specified form to be given to owners on application, and to be renewable in case of loss.*

8. *Certificate to be sealed and signed.*

9. *Registration to take effect from 1st November, 1838.*

10. *Fees for certificates of registry.*

11. *Such fees to be carried to credit of Government of Bombay.*

12. *Certificates to be produced on demand of any officer of Customs or of the Indian Navy.*

13. *Owner of coasting vessel to pay fine of ten times the amount of registration, &c. and owner of fishing vessel, or harbour craft a fine of 10 rupees, for breach of regulations.*

14. *Governor in Council may direct compensations for trouble and diligence in seizing.*

15. *Certificate from Marine Paymaster or Boat Master not to be required hereafter before grant of port clearance.*

Schedule. Form of certificate.

Reg. XX 1827, Sections 20, 21 repealed.

I. It is hereby enacted, that from the first day of November, 1838, Sections 20 and 21, Regulation XX. of 1827, of the Bombay Code, be repealed.

Following rules to be in force as to coasting vessels and fishing and harbour craft belonging to His Majesty's subjects.

II. And it is hereby enacted, that from the said first day of November, 1838, the following rules shall be in force with respect to vessels belonging to any of His Majesty's subjects residing within the Presidency of Bombay, and employed on the coasts of the territories subject to the Government of Bombay, or in trading coast-wise, as also with respect to fishing vessels and harbour craft belonging to any of the same His Majesty's subjects.

Owner to cause number, and name of place to be painted black on a white ground on each quarter in English figures, and letters 6 inches long.

III. And it is hereby enacted, that every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall be marked or branded with the name of the place to which she belongs, and also with a number assigned for the same by the officer authorized to make such registry as is hereinafter mentioned, and the owner or owners of such vessel employed as aforesaid, fishing vessel, and harbour craft, shall cause such name and number to be painted in black paint upon a white ground, on each quarter of such vessel employed as aforesaid, fishing vessel, and harbour craft, in English figures and letters, each figure and letter being six inches in length.

IV. And it is hereby enacted, that the name and number of every such vessel employed as aforesaid, fishing vessel, and harbour craft, and her burthen, and also the name or names of the owner or owners thereof, shall be registered in a book, to be kept for that purpose, by the person hereinafter directed to make such registry. At Bombay, such registry shall be made by the Master Attendant, and at other places within the said territories, by the Collector of Sea Customs at such places respectively, or by such other person as shall be appointed by the Government of Bombay to act at such places respectively, in the execution of this Act; and whenever any change shall take place in the burthen of such vessel employed as aforesaid, fishing vessel, or harbour craft, or in the name or names of the owner or owners thereof, such registry shall be made again: provided, however, that it shall not be lawful to give any name to such vessel employed as aforesaid, fishing vessel or harbour craft, other than that by which she was first registered.

Name, number, and burthen and names of owners to be registered, and fresh registry to be made in case of change.

V. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply to the person authorized to make such registry in respect of the same, in order to have such registry as aforesaid made, or in order to have such registry made again as aforesaid. And whenever such vessel employed as aforesaid, fishing vessel, or harbour craft, is registered at a subordinate port, information thereof, and of the number there assigned to her, shall immediately be given by the registering officer to the Master Attendant at Bombay.

Owner to apply for registry. Registering Officer at subordinate port to give immediate information to the Master Attendant at Bombay.

VI. And it is hereby enacted, that the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels, and harbour craft, at Bombay, shall be performed by the Master Attendant; and at all other places within the territories subject to the Government at Bombay, the duty of marking or branding, and of ascertaining the burthen of, such vessels employed as aforesaid, fishing vessels, and harbour craft, shall be performed by the Collector of Sea Customs at such places respectively; or by such other

Master Attendant at Bombay, and Collector of Customs at other places, to mark and ascertain burthen of vessels, &c.

persons as shall be appointed by the Government of Bombay to act at such places respectively in the execution of this Act.

Certificate of registry to be given to owners on application.

VII. And it is hereby enacted, that the owner or owners of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall apply for and obtain a certificate of registry from the person authorized to make such registry as aforesaid, and such certificate shall be in the form specified in the Schedule appended to this Act, and in the case of any certificate being lost or destroyed, a renewed certificate may be obtained in the same manner, and on payment of the fees hereinafter mentioned.

Certificate to be sealed and signed.

VIII. And it is hereby enacted, that such certificate of Registry shall be sealed with the seal of the East India Company, and shall be signed by the person authorized to make such registry.

Registration to take effect from 1st Nov. 1838.

IX. And it is hereby enacted, that such certificate shall be issued to every vessel employed as aforesaid, fishing vessel, and harbour craft as aforesaid, from the date of the expiration of the pass she is now furnished with :—the registrations with respect to fishing vessels and harbour craft, to take effect from the first of November, 1838.

Fees for certificates of registry.

X. And it is hereby enacted, that the owner or owners of such vessels, employed as aforesaid, (fishing vessels and harbour craft being excepted,)—on being registered as aforesaid, shall pay—

For each certificate of registry for a vessel not exceeding 20 Bombay candies' burthen, the fee of ... 1 Rupee.

For each certificate for a vessel exceeding 20 such candies' burthen, and not exceeding 100 candies' burthen, ... 5 Rupees.

For each certificate for a vessel exceeding 100 such candies' burthen, and not exceeding 100 candies' burthen, ... 7 Rupees.

And for each certificate for a vessel of 100 tons, or greater burthen, per ton ... ... 2 Annas.

XI. And it is hereby enacted, that the person or persons so authorized to make such Registry as aforesaid, shall receive the fees payable for the same, and shall pay such fees to such officer as the Governor of Bombay in Council shall appoint, the same to be carried to the credit of the Government of Bombay.

Such fees to be carried to credit of Government of Bombay.

XII. And it is hereby enacted, that the owner or owners or commander of every such vessel employed as aforesaid, fishing vessel, and harbour craft, shall produce, on demand thereof by any officer of the Customs within the said territories, or by any officer of the Indian Navy, the certificate so directed to be applied for and obtained, in respect of such vessel employed as aforesaid, fishing vessel, or harbour craft, as abovementioned.

Certificates to be prodi demand.

XIII. And it is hereby enacted, that in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so marked or branded, in all respects, as hereinbefore directed; or in case the name and number of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be so painted, or shall not continue so painted on such vessel employed as aforesaid, fishing vessel, or harbour craft, in all respects as hereinbefore directed; or in case any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not be furnished with such certificate as hereinbefore specified, or in case the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall not produce such certificate on demand thereof as hereinbefore directed; the owner or owners of every such vessel employed as aforesaid, shall be subject to a fine of ten times the amount of the fees payable in respect of the certificate of registry of such vessel, the same being a vessel for the certificates of the registration of which any fee is payable, and the owner or owners of any such fishing vessel, or harbour craft, shall be subject to a fine of ten Rupees; which fines may be recovered on conviction before any Magistrate, Justice of the Peace, or person exercising the powers of a Magistrate having

Owner of coasting vessel to pay fine of ten times the amount of registration fee, and owner of fishing vessel or harbour craft a fine of 10 rupees, for breach of regulations.

jurisdiction within the said territories by sale of such vessel, fishing vessel, or harbour craft, her furniture, ammunition, tackle and apparel, and such fines shall be payable as often as the owner or owners or commander of any such vessel employed as aforesaid, fishing vessel, or harbour craft, shall make such default as aforesaid, provided every such subsequent default be made after the expiration of one month from the date of the last conviction.

G. in C. may direct compensation for trouble, &c. in seizing.

XIV. And it is hereby enacted, that the Governor of Bombay in Council may direct compensation for trouble and diligence in seizing such vessel employed as aforesaid, fishing vessel or harbour craft, guns, furniture, tackle, ammunition and apparel, as last mentioned to be made, out of the proceeds of such seizure, to the person or persons who shall have seized the same, to such amount, in such manner, and in such shares or proportions, as to the said Governor in Council shall seem meet.

Certificate from Marine Paymaster or Boat Master not to be required hereafter.

XV. And it is hereby enacted, that from the first day of November, 1838, a certificate from the Marine Paymaster at Bombay or from the Boat Master at Bombay, shall not be required in order to enable any person or persons to obtain a port clearance for any vessel at the Custom House at Bombay.

SCHEDULE.

This is to certify that ——— (here insert the names, occupation, and residence of the owners) having declared, that (he or they) are sole owner or owners of the vessel (fishing vessel or harbour craft) called (the name) which is of the burthen of (number of Bombay candies) and that the said vessel (fishing vessel or harbour craft) was (where and when built) the said vessel (fishing vessel or harbour craft) has been duly registered at the port of (name of port). Certified under my hand. (Signature of Officer.)

ACT No. XX. OF 1838.

Repealed by Act XVII. 1851.

ACT No. XXI. OF 1838.

Repealed by Act XIII 1862.

ACT No. XXII OF 1838

Repealed by Act X 1861

ACT No XXIII OF 1838

MADRAS

Repealed part of Section 3, Regulation IV 1831, and makes grants therein mentioned liable to attachment and sequestration

It is hereby enacted, that so much of Section 3, Regulation IV. of 1831 of the Madras Code, as saves and excepts the liability to attachment or sequestration in certain cases of the grants mentioned in Section 2 of the said Regulation, be repealed, and that such grants shall not be liable to attachment or sequestration in satisfaction of any decree or order of Court whatever.

ACT No. XXIV. OF 1838.

Repealed by Act VI. of 1839, save as to such particulars as are therein mentioned. These pa[illegible]lars are contained in Sections 2, 3, 5, 6 and 12: and are not su[illegible] so as to necessitate the republication of the rescinded enactment here. [illegible] found in the Appendix.

SUPREME COURT.

ACT No. XXV. OF 1838.

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1. *Interpretation*

2. *Repeals certain statutes and portions of statutes.*

3. *Act confined to Wills of persons whose property cannot by the law of England be administered without probate or letters of administration.*

4. *All property whatever, howsoever acquired and of whatever tenure, and all interest therein may be disposed of by Will.*

5. *Will of Infant, invalid.*

6. *Will of married woman invalid, except under power.*

7. *No Will to be valid unless it be in writing, and signed by testator, or in his presence and by his direction, and such signature acknowledged in the presence of two witnesses, present together and subscribing in presence of testator. No special form necessary.*

8. *Appointment by Will in exercise of any power to be subject to the same rules as to execution.*

9. *Will so executed need not be published.*

10. *Will not to be invalid on account of person attesting it being or becoming incompetent to prove it.*

11. *Devise, legacy, &c. to any attesting witness or to his or her wife or husband to be null, but Will to stand nevertheless.*

12. *Will containing a charge for debt of attesting witness may be proved by such creditor.*

13. *Executor not incompetent as a witness to prove Will.*

14. *Will of man or woman to be revoked by subsequent marriage, with one exception.*

15. *Alteration of circumstances not to raise presumption of intention to revoke Will.*

16. *Will or Codicil, how only to be revoked.*

17. *Obliteration made after execution of Will to be invalid, except so far as testator's previous intention shall not be apparent, or except such alteration be signed by testator and attested.*

18. *Revoked Will, &c., not to be revived except by re-execution or by Codicil. When Will or Codicil first partially and then wholly revoked shall be revived, revival shall extend only to portion last revoked, unless contrary intention be shown.*

19 *Act done subsequently to execution of Will not to prevent operation of Will on property of testator at the time of his death, except such Act as is mentioned in Section 16*

20 *Will to be construed as if executed immediately before death*

21 *If devise be incapable of taking effect, the property included therein shall be comprised in the residuary devise*

22 *General devise of real estate or bequest of personal estate shall operate as an execution of any general power of appointment possessed by the testator*

23. *Devise without words of limitation, to pass the whole estate or interest of testator in the estate devised*

24 *Words importing a want or failure of issue how to be construed*

25 *Devise of real estate to any trustee or executor to pass the whole estate or interest of testator, unless a definite term be expressly or impliedly given by the Will*

26 *Devise of real estate without limitation to trustee to pass whole estate of testator, where the purposes of the trust may continue beyond the life of the cestui que trust*

27 *Devisee of an estate tail dying in the lifetime of testator but leaving inheritable issue alive at testator's death, devise to take effect as if devisee had died immediately after testator*

28 *Devise or legacy to issue of testator who shall die in testator's lifetime but leave issue alive at testator's death to take effect as if devisee or legatee had died immediately after testator*

29 *Act not to extend to certain Wills of Soldiers or Seamen*

30 *Act not to repeal Act XX 1837*

31 *Act not to extend to Wills made before 1st February 1839. Re-execution, re-publication or revival by Codicil to be deemed a making of the Will*

I It is hereby enacted, that the words and expressions hereinafter mentioned shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows, (that is to say,) the word "Will" shall extend to a Testament, and to a Codicil, and to an appointment by Will or by writing in the nature of a Will in exercise of a power, and also to a disposition by Will and Testament or devise of the custody and tuition of any child by virtue of an Act passed in the twelfth year of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, and tenures *in capite* and by Knight's service and purveyance, and for settling a revenue upon His Majesty in lieu thereof," or by virtue of an Act passed in the Parliament of Ireland in the fourteenth and Interpretation

fifteenth years of the reign of King Charles the Second, intituled "An Act for taking away the Court of Wards and Liveries, and tenures *in capite* and by Knight's service," and to any other testamentary disposition; and the words "real estate" shall extend to messuages, lands, rents and hereditaments, whether corporeal, incorporeal or personal, and to any undivided share thereof, and to any estate, right or interest (other than a chattel interest) therein; and the words "personal estate" shall extend to leasehold estates, and other chattels real, and also to monies, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

Repeals certain statutes and portions of statutes.

II. And it is hereby enacted, that an Act passed in the thirty-second year of the reign of King Henry the Eighth, intituled "The Act of Wills, Wards and primer seisins, whereby a man may devise two parts of his land;" and also an Act passed in the thirty-fourth and thirty-fifth years of the reign of the said King Henry the Eighth, intituled "The Bill concerning the explanation of Wills," and also an Act passed in the Parliament of Ireland in the tenth year of the reign of King Charles the First, intituled "An Act how Lands, Tenements, &c. may be disposed by will or otherwise, and concerning Wards and primer seisins;" and also so much of an Act passed in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of Frauds and Perjuries;" and of an Act passed in the Parliament of Ireland in the seventh year of the reign of King William the Third, intituled "An Act for prevention of Frauds and Perjuries, as relates to devises or bequests of lands or tenements, or to the revocation or alteration of any devise in writing of any lands, tenements or hereditaments, or any clause thereof,

or to the devise of any estate *pur autre vie*, or to any such estate being assets or to nuncupative Wills, or to the repeal, altering or changing of any Will in writing concerning any goods or chattels or personal estate, or any clause, devise or bequest therein; and also so much of an Act passed in the fourth and fifth years of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of Justice;" and of an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, intituled "An Act for the amendment of the Law and the better advancement of Justice" as relates to witnesses to nuncupative Wills; and so far as the following Acts may be construed to have any operation within the territories of the East India Company, so much of an Act passed in the fourteenth year of the reign of King George the Second, intituled "An Act to amend the Law concerning common recoveries," and to explain and amend an Act made in the twenty-ninth year of the reign of King Charles the Second, intituled "An Act for prevention of Frauds and Perjuries," as relates to estates *pur autre vie*; and also an Act passed in the twenty-fifth year of the reign of King George the Second, intituled "An Act for avoiding and putting an end to certain doubts and questions relating to the attestation of Wills and Codicils concerning real estates in that part of Great Britain called England, and in His Majesty's colonies and plantations in America," except so far as relates to his Majesty's colonies and plantations in America, and also an Act passed in the Parliament of Ireland in the same twenty-fifth year of the reign of King George the Second, intituled "An Act for the avoiding and putting an end to certain doubts and questions relating to the attestations of Wills and Codicils concerning real estates;" shall from the passing of this Act cease to have effect in the territories of the East India Company, except so far as the same Acts or any of them respectively relate to any Wills or estates *pur autre vie* to which this Act does not extend.

Act confined to Wills of persons whose property

III. And it is hereby enacted, that this Act shall only extend to the Wills of persons whose personal property cannot

cannot be administered without probate or letters of administration.

by the law of England pass to their representatives without Probate or Letters of Administration obtained in one of Her Majesty's Supreme Courts of Judicature, and that the Statutes and parts of Statutes aforesaid are only repealed as far as they relate to the succession to the property of such person.

All property whatever, howsoever acquired and of whatever tenure, and all interest therein may be disposed of by Will.

IV. And it is hereby enacted, that it shall be lawful for every person to devise, bequeath or dispose of by his Will, executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either at law or in equity, at the time of his death, and which, if not so devised, bequeathed or disposed of, would devolve upon the heir at law of him, or, if he became entitled by descent, of his ancestor, or upon his executor or administrator, and that the power hereby given shall extend to all estates *pur autre vie*, whether there shall or shall not be any special occupant thereof, and whether the same shall be a corporeal or an incorporeal hereditament, and whether the same shall be freehold or of any other tenure, and also to all contingent, executory or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person or one of the persons in whom the same respectively may become vested, and whether he may be entitled thereto under the instrument by which the same respectively were created, or under any disposition thereof by deed or Will; and also to all rights of entry for conditions broken, and other rights of entry, and also to such of the same estates, interests, and rights respectively, and other real and personal estates as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his Will.

Will of Infant, invalid.

V. And it is hereby enacted, that no Will made by any person under the age of twenty-one years shall be valid.

Will of married woman invalid except under power.

VI. Provided also, and it is hereby enacted, that no Will made by any married woman shall be valid, except such a Will as might have been made by a married woman before the passing of this Act.

VII. And it is hereby enacted, that no Will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned; (that is to say,) it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator as the signature to his Will or Codicil in the presence of two or more witnesses present at the same time, and such witnesses shall subscribe the Will in the presence of the testator, but no form of attestation shall be necessary.(a)

Will how to be executed.

VIII. And it is hereby enacted, that no appointment made by Will in exercise of any power shall be valid, unless the same be executed in manner hereinbefore required; and every Will executed in manner hereinbefore required shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by Will, notwithstanding that it shall have been expressly required that a Will made in exercise of such power should be executed with some additional or other form of execution or solemnity.

Appointment by Will in exercise of any power to be subject to the same rules as to execution.

IX. And it is hereby enacted, that every Will executed in manner hereinbefore required shall be valid, without any other publication thereof.

Will so executed need not be published.

X. And it is hereby enacted, that if any person who shall attest the execution of a Will shall, at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such Will shall not on that account be invalid.

Will not to be invalid on account of person attesting being or becoming incompetent to prove it.

(a) The following is the usual form of attestation, and is of this use, that in its absence the Court acquires extraneous proof of the circumstances stated in the form: —"Signed by the above-named A. B. [the testator] in the presence of us, present at the same time, who have hereunto signed our names as witnesses thereto, in the presence of the said A. B [testator] and in the presence of each other."

Names of witnesses { C. D. / E. F.

Devise, legacy, &c. to any attesting witness of a Will or to his or her wife or husband to be void, but Will to stand.

XI. And it is hereby enacted, that if any person shall attest the execution of any Will, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift or appointment of or affecting any real or personal estate (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift or appointment shall, so far only as concerns such person attesting the execution of such Will, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void; and such person so attesting shall be admitted as a witness to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift or appointment mentioned in such Will.

Will containing a charge for debt of attesting witness may be proved by such creditor.

XII. And it is hereby enacted, that in case by any Will any real or personal estate shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor, whose debt is so charged shall attest the execution of such Will, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such Will, or to prove the validity or invalidity thereof.

Executor not incompetent as a witness to prove Will.

XIII. And it is hereby enacted, that no person shall, on account of his being an executor of a Will, be incompetent to be admitted a witness to prove the execution of such Will, or a witness to prove the validity or invalidity thereof.

Will of man or woman to be revoked by subsequent marriage. Exception.

XIV. And it is hereby enacted, that every Will made by a man or woman shall be revoked by his or her marriage (except a Will made in exercise of a power of appointment, when the real or personal estate thereby appointed would not in default of such appointment pass to his or her heir, executor or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions).

Alteration of circumstances not to raise presumption of intention to revoke Will.

XV. And it is hereby enacted, that no Will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XVI. And it is hereby enacted, that no Will or Codicil or any part thereof shall be revoked otherwise than as aforesaid, or by another Will or Codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a Will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

Will or Codicil, how only to be revoked.

XVII. And it is hereby enacted, that no obliteration, interlineation or other alteration made in any Will after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the Will before such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the Will; but the Will, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator and the subscription of the witnesses be made in the margin or some other part of the Will opposite or near to such alteration, or at the foot or end of or opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the Will.

Obliteration made after execution of Will to be invalid except it be signed by testator and attested.

XVIII. And it is hereby enacted, that no Will or Codicil or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a Codicil executed in a manner hereinbefore required, and shewing an intention to revive the same; and when any Will or Codicil which shall be partly revoked and afterwards wholly revoked shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shown.

Revoked Will, &c., not to be revived except by re-execution or by Codicil.

XIX. And it is hereby enacted, that no conveyance or other act made or done subsequently to the execution of a Will of or relating to any real or personal estate therein comprised,

Act done subsequently to execution not to prevent operation of Will on

property of testator at the time of his death.

except an act by which such Will shall be revoked as aforesaid, shall prevent the operation of the Will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of by Will at the time of his death.

Will to be construed as if executed immediately before death.

XX. And it is hereby enacted, that every Will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the Will.

If devise be incapable of taking effect, the property included therein shall be comprised in the residuary devise.

XXI. And it is hereby enacted, that, unless a contrary intention shall appear by the Will, such real estate and interest therein as shall be comprised or intended to be comprised in any devise in such Will contained, which shall fail or be void by reason of the death of the devisee in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such Will.

General devise or bequest to operate as an execution of any general power of appointment possessed by the testator.

XXII. And it is hereby enacted, that a general devise of the real estate of the testator, or of the real estate of the testator in any place or in the occupation of any person mentioned in his Will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will; and in like manner a bequest of the personal estate of the testator, or any bequest of personal estate described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be) which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the Will.

Devise without words of limitation, to pass the whole estate.

XXIII. And it is hereby enacted, that where any real estate shall be devised to any person without any words of

limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of by Will in such real estate, unless a contrary intention shall appear by the Will.

Words importing a want or failure of issue how to be construed.

XXIV. And it is hereby enacted, that in any devise or bequest of real or personal estate the words "die without issue," or "die without leaving issue," or any other words which may import either a want or failure of issue of any person in his lifetime or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue in the life time or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the Will, by reason of such person having a prior estate tail, or of a preceding gift being, without any implication arising from such words, a limitation of an estate tail to such person or issue, or otherwise; provided, that this Act shall not extend to cases where such words as aforesaid import, if no issue described in a preceding gift shall be born, or if there shall be no issue who shall live to attain the age or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

Devise of real estate to any trustee or executor to pass the whole estate or interest of testator.

XXV. And it is hereby enacted, that, where any real estate shall be devised to any trustee or executor, such devise shall be construed to pass the fee simple or other the whole estate or interest which the testator had power to dispose of by Will in such real estate, unless a definite term of years absolute or determinable, or an estate of freehold, shall thereby be given to him expressly or by implication.

Devise of real estate without limitation to trustee, to pass whole estate of testator, where the purposes of the trust may continue beyond the life of the cestui que trust.

XXVI. And it is hereby enacted, that where any real estate shall be devised to a trustee without any express limitation of the estate to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof, shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such

person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate which the testator had power to dispose of by Will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

Devisee of an estate tail dying in lifetime of testator, but leaving inheritable issue alive at testator's death, devise to take effect as if devisee had died immediately after testator.

XXVII. And it is hereby enacted, that where any person to whom any real estate shall be devised for an estate tail, or an estate in quasi entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the Will.

Devise or legacy to issue of testator who shall die in testator's lifetime, but leave issue alive at testator's death, to take effect as if devisee or legatee had died immediately after testator.

XXVIII. And it is hereby enacted, that where any person, being a child or other issue of the testator to whom any real or personal estate shall be devised or bequeathed for any estate or interest not determinable at or before the death of such person, shall die in the lifetime of the testator leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the Will.

Act not to interfere with Wills of Soldiers or Seamen.

XXIX. And it is hereby enacted, that notwithstanding anything in this Act contained, any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

Nor to repeal Act XX. 1837.

XXX. And it is hereby enacted, that nothing in this Act contained shall be construed to repeal the provisions of Act No. XX. of 1837, whereby immoveable property situate within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, transmitted by the last Will of

any person having a beneficial interest in the same, is taken to be and to have been of the nature of chattels real and not of freehold as regards such transmission, provided that such Will shall be executed and construed as a Will of chattels real is to be executed and construed by virtue of this Act.

Nor to extend to Wills made before 1st Feb., 1839. Re-execution, re-publication or revival by Codicil to be deemed a making of the Will.

XXXI. And it is hereby enacted, that this Act shall not extend to any Will made before the first day of February, in the year of our Lord 1839, and that every Will re-executed or re-published or revived by any Codicil shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any estate *pur autre vie* of any person who shall die before the first day of February in the year of our Lord 1839.

ACT No. XXVI. OF 1838.

Repealed by Act XIII. 1862

ACT No. XXVII. OF 1838.

Repealed by Act X. 1861.

ACT No. XXVIII. OF 1838.

SUPREME COURT

Any person convicted of perjury at any Sessions of Oyer and Terminer or jail delivery may be adjudged to be transported for life, or for any term of years, or to be imprisoned with or without hard labor for not more than four years.

It is hereby enacted, that where any person or persons shall be convicted at any Sessions of Oyer and Terminer or jail delivery, that shall be holden for any of the Presidencies of Fort William, Fort St. George, the Presidency or Island of Bombay, or for Prince of Wales' Island, Singapore, or Malacca, of the crime of perjury, it shall be lawful for the Court, before which any person shall be so convicted, to order and adjudge

such person to be transported to such place as the Court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years, with or without hard labour and with solitary confinement for such portion or portions of the said term as such Court shall think fit, not exceeding one month at a time or three months within the period of one year. Provided, that it shall not be lawful for any such Court to order the transportation of any person, being a native of the East Indies and not born of European parents, to the Eastern Coast of New South Wales or any of the islands adjacent thereto.

BENGAL.

ACT No. XXIX. OF 1838.

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1 *Reg. X. 1819, Secs. 59 -61 repealed.*

2. *Salt agent or Superintendent, receiving credible information of storing of contraband salt in any place, shall take down in writing certain particulars.*

3. *If such salt exceed one maund in quantity, the Salt Agent or Superintendent shall proceed in person to seize it, summoning in writing the nearest Police Darogah to attend.*

4. *Salt Agent, &c., shall break open doors, if not immediately opened on requisition.*

5. *If Salt Agent, &c., be unable to proceed in person, he shall send a Jemadar or higher officer with warrant and notice as above to the Police Darogah, but no door to be broken open, except in presence of an Officer of Police.*

6. *Head Officers of any salt chowkee, &c., may receive information and act thereupon in same manner as Salt Agent, if the place of store described be distant more than three coss from station of Salt Agent.*

7. *Police Darogah, &c., not attending after notice, or refusing to aid or wilfully frustrating seizure of salt, shall, besides dismissal, be liable to same fine as would have been leviable from the owners of the salt.*

8. *Salt Officers alone to determine whether doors shall be broken open or not, but Police Officers to break it open, and to observe rules prescribed in Reg. XX. 1817 and Reg. VII. 1799, Sec. 10.*

9, 10. *Circumstances of seizure to be recorded by Agent, and, if made by any subordinate officer, to be reported to Agent.*

11. *Salt not to be seized, unless found on search to be more in quantity than one maund, and not satisfactorily accounted for.*

BENGAL.

12. *When salt is seized as contraband, the persons in charge may be seized also.*

13. *Salt Officers empowered to seize salt may stop and search sea-going boats or vessels.*

14. *Every person or company or gang of persons, conveying unprotected salt, in quantities exceeding five seers for each person, to be liable to penalties prescribed in Reg. X.* 1819, *Sec.* 15.

15. *Sentence of fine commutable to imprisonment in criminal jail for not more than six months.*

16. *Persons sentenced under Reg. X.* 1819, *Secs.* 31, 68, 70, *to be liable to imprisonment in criminal jail.*

17. *Person convicted of a second offence under Reg. X.* 1819, *Secs.* 31, 70, *to be sentenced to additional imprisonment for six months in criminal jail. Six months additional for every subsequent conviction.*

18. *Salt Agent may distrain for balance due to Government within the year upon contract for the manufacture of salt, in same manner as zemindars and sudder farmers.*

19. *Person preventing lawful arrest, and offender resisting Salt Officer, to be liable to punishment prescribed in Reg. X.* 1819, *Sec.* 56.

20. *Salt Officer committing certain offences after making arrest, shall, besides dismissal, be fined not exceeding Rs.* 200, *and imprisoned for not more than three months.*

21. *Person arrested not to be released till case be brought to judgment, but to be carried direct to the Salt Officer competent to try the case.*

22. *Penalty upon Salt Officers, vexatiously seizing goods, arresting persons, or stopping boats; dismissal and imprisonment not exceeding six months, and fine not exceeding Rs.* 200.

23. *Penalty on person wilfully giving false information and thereby procuring search; imprisonment not exceeding two years, and fine not exceeding Rs.* 500.

24. *Each of a company of smugglers to be liable to the whole fine under Reg. X.* 1819, *Sec.* 36.

25. *Government of Bengal may vest with powers of adjudication in salt cases assistants or uncovenanted Superintendents, but subject to the same rules as Agents, &c.*

26. *Cases under this Act to be tried in manner prescribed in Reg. X.* 1819, *Secs.* 100—116, *and city and zillah Judges to be bound by the said Regulation as modified by this Act.*

27. *Every proprietor, farmer, lakhirajdar, or manager to give notice to the nearest Police or Revenue, or Salt Officer within ten days, of any salt-works not under contract with Government. Penalty, fine of Rs.* 500, *for every salt-work; recoverable by distress and sale or by execution as for civil decrees.*

28. *Salt Officer in charge of Government store to be liable for embezzle-*

ment, if the out-turn of the store show a deficiency for which he cannot account, or if he shall not produce the true account.

29. *Notice for attendance of parties to be issued under Reg. X.* 1819, *Sec.* 102, *and in case of default judgment to be passed, and any time after judgment, warrant for apprehension of person convicted.*

30. *In ex-parte cases referred to him, the city or zillah Judge shall proceed under Reg. X.* 1819, *Secs.* 111—113.

31. *Judgment of Salt Agent to be final, whenever the salt confiscated shall not exceed eighty maunds, and the fine imposed on any defendant shall not exceed Rs.* 100. *Proviso reserving right of petition to Board of Customs, Salt and Opium.*

32. *Cases of confiscation and fine beyond the above amounts to be only open to special appeal to Sudder Court.*

33. *Local limits of operation of this Act.*

Reg. X 1819, Secs 59—61 repealed.

I. It is hereby enacted, that from the first day of December, 1838, Sections 59, 60 and 61, Regulation X. 1819, of the Bengal Code, shall be repealed.

Salt agent, or Superintendent receiving credible information of storing of contraband salt in any place, to take down in writing certain particulars.

II. And it is hereby enacted, that when information shall be given to any Salt Agent or Superintendent of salt chowkies that contraband salt is stored in any warehouse, dwelling-house, or other place situated in the tract of country in Bengal or Orissa within which the transportation of salt without ruwanna is not lawful, and such Salt Agent or Superintendent of salt chowkies shall deem the information credible, and desire to act thereupon, he shall require the same to be given to him in writing, or shall take the deposition of the informant, as may be most convenient, so that the following particulars shall be placed on record in his office—first, the name, profession and place of residence of the informant. Second, the place, that is, the name of the town or village, and description of the house, warehouse, or other place where the salt may be stated to be in store. Thirdly, the name of the person to whom the house, warehouse, or other place belongs, or on account of, or by whom the salt is there stored. Fourthly, the quantity and description of the salt, and the grounds for believing the same to be contraband.

If such salt exceed one maund in quan-

III. And it is hereby enacted, that if the contraband salt so stated to be in store exceed in quantity one maund or

Indian mun, it shall be liable to seizure in manner following, that is to say, the Salt Agent or Superintendent of chowkies, having before him the written statement or deposition of an informer, given in or taken down as above prescribed, shall, provided the place of such store be not too distant, proceed in person, together with the informant, summoning by written notice the nearest Police Darogah or other officer in charge of the Police Thanna or station to attend likewise and witness the proceeding.

tity, the Salt Agent or Superintendent shall proceed in person to seize it, summoning in writing the nearest Police Darogah to attend.

IV. And it is hereby enacted, that, for the purpose of making seizure of salt in store so informed against, it shall be competent to any Salt Agent or Superintendent, having a Police Officer in company, to break open the door of the house, warehouse or other place, in which the salt may be stated to be stored, if, upon requisition duly made, the door be not immediately opened by the owner or occupant thereof.

Salt Agent, &c., shall break open doors if not immediately opened on requisition.

V. And it is hereby enacted, that if the Salt Agent or Superintendent shall not be able to proceed in person to make a seizure of salt in manner above provided, he shall send along with the informer one or more confidential officers of his public establishment, not being under the rank of a Jemadar of peons, giving to such officer or officers his warrant, ordering and authorizing the seizure, and sending notice as above prescribed for the Police Darogah or other Police Officer to attend; and the officer so deputed, shall have power to act in like manner as is provided for the Agent or Superintendent in person; provided that the door of no house, warehouse or other place, shall be broken open to make a seizure of salt except in the presence of a Salt Agent or Superintendent of chowkies, or of an Officer so specially deputed, and of an Officer of Police.

If Salt Agent, &c, be unable to proceed in person, he shall send a Jemadar or higher officer with warrant, but no door to be broken open, except in presence of an Officer of Police.

VI. And it is hereby enacted, that it shall be competent to the head officer of any salt chowkie or aurung for the manufacture of salt, and for any Assistant to a Salt Agent or Superintendent, to receive information of salt exceeding one

Head Officer of any salt chowkee, &c., may receive information in same manner as Salt Agent, if the place of store be

more than three cos from station of Salt Agent.

maund in quantity being in store, in a house, warehouse or other place in the manner prescribed in Section 2, and to act thereupon as provided in Sections 3 and 4 of this Act for the Salt Agent and Superintendent, provided that the place of store described in such information be situated at a distance of more than three cos from the station of a Salt Agent or Superintendent of chowkies, or from the place where the Salt Agent or Superintendent may be.

Police Darogah, &c., not attending after notice or refusing to aid, or wilfully frustrating seizure of salt, shall, besides dismissal, be liable to same fine as would have been leviable from the owners of the salt.

VII. And it is hereby enacted, that if the Darogah or person in charge of any Police Thanna or station, receiving notice to attend at a seizure of salt in store, as is above prescribed, shall not attend, or attending shall refuse to act in aid of the seizure, or shall in any way wilfully frustrate the object of the search and seizure, such Darogah or other officer shall, on representation of the facts by the officers of the salt department, and on conviction of the same before the Magistrate of the district, besides being dismissed from office, be liable to a fine equal to the amount or fine that would have been leviable on the owners of the salt, if it had been seized according to the information laid.

Salt Officers alone to determine whether door shall be broken open or not, but Police Officers to break it open, and to observe rules in so doing.

VIII. And it is hereby enacted, that whenever it shall be necessary to break open any house, warehouse or other place to effect a seizure of salt, the rules and precautions prescribed in Regulation XX. of 1817, and Section 10, Regulation VII. of 1799 of the Bengal Code, for breaking into a house for execution of process of distraint, shall always be observed by the Police Officers in attendance; provided, however, that the responsibility for the act, and the determination whether to require the door to be broken open or not shall rest with the Officers of the Salt Department only.

Circumstances of seizure to be recorded by Agent.

IX. And it is hereby enacted, that whenever a seizure of salt in store in any house, warehouse or other place shall be made by a Salt Agent or Superintendent of chowkies, the circumstances which attended the seizure shall be recorded in an official proceeding to be placed on record in the office.

X. And it is hereby enacted, that if the seizure be made by an officer of the salt department, other than an Agent or Superintendent of Chowkies, such officer shall report the circumstances within twenty-four hours to his official superior; and the Police Officer in attendance shall likewise report the occurrences at the time of seizure to his official superior.

Police Officer and inferior Salt officer to report seizure within 24 hours.

XI. And it is hereby enacted, that no salt found in store in any house or warehouse shall be deemed to be contraband, or shall be liable to seizure, unless, when the search is made, there shall be found more thereof than one maund or Indian mun, and the owner or person in charge shall be unable to account satisfactorily for the manner of its being in his possession.

Salt not to be deemed contraband unless more than one maund be found.

XII. And it is hereby enacted, that whenever salt shall be seized as contraband because unaccompanied by any ruwanna or other protecting document, the person or persons conveying or having in charge the same shall be apprehended; and all officers who are empowered to seize salt under the provisions of Regulation X. 1819 of the Bengal Code, shall likewise be competent to arrest the parties found with or having the salt in possession.

When salt seized, persons conveying it, to be also apprehended.

XIII. And it is hereby enacted, that it shall be lawful for the Salt Agents and Superintendents of Chowkies and other officers who may be duly empowered to seize salt, to stop and search any boats or vessels of a build adapted for sea navigation, that may be found within the limits, described in Section 33 of this Act; and if salt shall be found thereon, not accompanied by the necessary ruwanna or other protecting document, to detain the vessel with the crew thereof, and to take them for adjudication of the case to the nearest accessible station of an officer empowered to adjudicate cases of contravention of the Salt Law.

Power to stop and search sea-going vessels within certain limits.

XIV. And it is hereby enacted, in modification of Section 36, Regulation X. of 1819, of the Bengal Code, that if

Penalty on person or company of persons con-

voying more than five seers of salt each.

any person shall be found in the act of conveying salt without ruwanna, or other protecting document, exceeding in quantity five seers of 80 tolahs to the seer, within the tract of country in Bengal or Orissa wherein the transportation of salt is prohibited unless so protected, or if several persons be found carrying salt so unprotected, in gangs or companies, which salt shall exceed in the whole quantity five seers for each person in such gang or company, every such person shall be subject to the penalties prescribed by Regulation X. of 1819 aforesaid, and by this Act, for the illegal possession and transportation of salt.

Liability in default of payment of fine, in cases of fine only.

XV. And it is hereby enacted, in modification of Section 121 of Regulation X. 1819, aforesaid, that any person or persons, who may be convicted of smuggling salt without ruwanna singly or in gang, and sentenced to pay a fine to Government on account of salt so smuggled or attempted to be smuggled, shall, if the fine be not paid, be liable to imprisonment in the Criminal or Foujdaree Jail, for a period not exceeding six months in commutation of such fine.

Cases of fine and imprisonment to be adjudicated in same manner as cases of fine only.

XVI. And it is hereby enacted, in further modification of Section 121 of Regulation X. 1819, aforesaid, that any person, who may be sentenced under Sections 31, 68 and 70 of the said Regulation, to imprisonment in addition to fine, for the offences described in those Sections respectively, shall in like manner be liable, as above provided for persons convicted of gang smuggling, to undergo such punishment in the Foujdaree jail: and cases of the kind described in the said Sections shall be adjudicated, in like manner as cases in which fine only is adjudged: and the warrant of the officer adjudicating any case under this or the preceding Section of this Act, shall be authority for the Magistrate, or other person in charge of the Foujdaree Jail, to hold the person described therein in confinement in such jail, as may be specified and required in the said warrant.

Penalty for second and subsequent offences.

XVII. And it is hereby enacted, that when any person shall be convicted of gang smuggling, or of any of the offence

described in Sections 31 and 70 of Regulation X. of 1819, aforesaid, after having been previously convicted of a like offence, he shall be sentenced, in addition to the penalty attaching to such offence, to imprisonment in the Foujdaree jail for a period of six months, and a like punishment of six months' imprisonment shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XVIII. And it is hereby enacted, that it shall be lawful for any Salt Agent to proceed for the recovery of any balance that may be due to Government within the year, upon any contract made for the manufacture of Salt in the limits of his agency, by the process of distraint; and for the demand and levy of the same, to exercise the powers vested by the Regulations and Acts of the Government in zemindars and sudder farmers, being subject to like restrictions, and with the like remedies to any parties aggrieved thereby.

Agent may distrain for balance due to Government within the year on any salt contract.

XIX. And it is hereby enacted, that if any person shall by threats or by violence prevent the lawful arrest of any person by an officer duly authorized to seize salt, or shall procure his release after arrest, or if the party found with the salt in possession, or any other persons resist any such officers, they shall severally and respectively be liable to the punishment prescribed in Section 56 of Regulation X. 1819, of the Bengal Code.

Person preventing lawful arrest and offender resisting Salt Officer, to be liable to punishment prescribed in Reg. X. 1819, Sec. 56.

XX. And it is hereby enacted, that if any officer making an arrest upon account of salt smuggling shall neglect to carry the person arrested to the proper officer of the salt department, or shall delay to report the arrest to his superior, or shall release or connive at the escape of the person arrested, every such officer shall, on conviction of any one of the above offences, besides dismissal from office, be liable to be sentenced for the same to a fine not exceeding 200 Rupees, and to imprisonment not exceeding three months; and the sentence may be adjudged by any officer competent to adjudicate a forfeiture of contraband salt, and in case of non-payment of the fine, to

Penalty on Salt Officer committing certain offences after making arrest.

a further imprisonment not exceeding three months, at the discretion of the officer deciding the case.

Person arrested not to be released till case be brought to judgment, but to be carried direct to the competent Salt Officer.

XXI. And it is hereby enacted, that whenever any person may be arrested by an officer of the salt department, or by any other officer of other departments duly empowered to make a seizure of salt, the person making the arrest shall be bound to carry the party arrested direct to the officer of the salt department who may be competent to try the case; and no person so arrested shall be released, until the case shall have been brought to judgment in the manner provided by law.

XXII. And it is hereby enacted, that if any officer of the salt department be convicted before the Magistrate of any district, of having vexatiously and unnecessarily seized the goods of any person on the pretence of seizing or searching for salt, or of having vexatiously and unnecessarily arrested any person, or of having stopped and detained any boat unnecessarily and without authority, or of having detained any boat longer than is necessary for the purpose of search, every such officer shall, besides dismissal, be punished with imprisonment not exceeding six months, and with fine not exceeding 200 Rupees, commutable, if not paid, to a further imprisonment not exceeding six months.

Penalty on person wilfully giving false information and thereby procuring search.

XXIII. And it is hereby enacted, in modification of Section 122, Regulation X. of 1819, aforesaid, that if any person shall wilfully and maliciously give false information in respect to there being illicit salt in store in any house or warehouse, and so procure that such house or warehouse shall be searched to the injury or vexation of the owners thereof, or of any other person or persons whatsoever, such false informer shall, on conviction of the offence before any Magistrate, be liable to imprisonment for two years, and to fine not exceeding 500 Rupees, at the discretion of any Magistrate by whom the case may be tried, and in case of the non-payment of the fine, to imprisonment for a further period of six months.

XXIV. And it is hereby enacted, that when parties shall be convicted of the illegal possession or transportation of salt, and shall be liable to the penalty of five Rupees per maund as prescribed in Section 36, Regulation X. of 1819 of the Bengal Code, the fine shall be at the said rate according to the quantity of salt seized, whether less or more than one maund, and each one of the smugglers in company, or parties to the fraud on the Revenue, shall be liable to the whole fine.

Fine to be at the same rate, whatever the quantity seized; and each of the gang to be liable to the whole fine.

XXV. And it is hereby enacted, that it shall be competent to the Governor or Deputy Governor of Bengal to vest with the power of adjudicating cases of contravention of the laws for protection of the Revenue derived from salt, any Assistant to a Salt Agent, or Uncovenanted Superintendent of salt chowkies, who may seem to him qualified; and such officers, when invested with such powers, shall exercise them subject to the same rules and restrictions as Covenanted Salt Agents and Superintendents of Chowkies; provided that no officer adjudicating cases of contravention of the Salt Revenue Laws shall receive any part of the rewards that may be decreed, or otherwise benefit directly by the adjudication of such cases.

Government may vest assistants or uncovenanted Superintendents with powers of adjudication, but subject to the same rules as Agents, &c.

XXVI. And it is hereby enacted, that cases arising out of this Act shall be tried in the same manner as is prescribed in Regulation X. of 1819 of the Bengal Code for other cases of contravention of the laws for the protection of the Revenue derived from salt; and the officer adjudicating the case shall be guided by the provisions of Sections 100 to 116 of that Regulation; and the Judge of the city or zillah shall be bound to proceed in respect to persons sentenced to any fine or other penalty under the provisions of this Act, in the same manner, subject to the modifications and additions hereinafter provided, as is prescribed in respect to persons convicted of the offences and tried before the authorities specified and provided by the said Regulation.

Cases under this Act to be tried in manner prescribed in Reg. X. 1819, Secs. 100—116.

XXVII. And it is hereby enacted, in modification of Clauses 32 and 33, of Regulation X. 1819 of the Bengal Code, that it shall be the duty of every party under direct engage-

Every proprietor, &c., to give notice to the nearest Police or Revenue or Salt Officer, within

ten days, of any salt-works not under contract with Government. Penalty, fine of Rs. 500, for every salt-work.

ments with Government for the Land Revenue, either as a proprietor or farmer, and of every proprietor of lakhiraj lands upon whose zamindaree, farm or lakhiraj estate there shall be any works producing salt, otherwise than under contract with a Salt Agent or on account of Government, to give notice of the same in writing to the nearest public Officer of Police or Land Revenue or of the Salt Department, within ten days from the date on which the works were first prepared; and in like manner it shall be the duty of every person employed in the collection of the Land Revenue of any muhal on the part of Government, or of the Court of Wards, or of joint proprietors, to give like notice in respect to salt manufactured on the lands under their management; and every such proprietor, farmer, proprietor of lakhiraj estate or manager, who shall knowingly omit to give such notice, shall be liable on conviction before the Judge of any zillah or city to a fine of 500 Rupees, for every khalaree or salt work established on his lands; and such knowledge shall not be required to be established by direct proof, but may be inferred from circumstances at the discretion of the Judge deciding the case; and any fine that may be adjudged under this Section shall be recoverable by distress and sale of the goods and chattels of the offender, or by process of execution taken out by any Salt Agent or Superintendent of Chowkies in the manner provided for decrees of the Civil Court.

Salt Officer to be liable for embezzlement, if the out-turn of the store, show a deficiency for which he cannot account, or if he shall not produce the true account.

XXVIII. And it is hereby enacted, in modification of Section 61, Regulation X. of 1819, aforesaid, and in addition thereto, that when there may be no direct proof of the unauthorized removal of salt from any golah or place of Government store, sufficient to convict the parties concerned therein of theft within the provisions of the said Section, the officer or officers who may have been entrusted with the charge of such golah or place of Government store, shall nevertheless be liable for the offence of embezzling the salt of any store in their custody, the out-turn of which shall, according to the accounts kept of receipts and deliveries, exhibit a deficiency for which he or they may not duly account. And the officer in charge

of any golah or salt store, shall in like manner be deemed guilty of embezzlement if he has made away with, or shall not produce the true account of such store; and any person against whom the offence of embezzlement shall be established under this Section, shall be liable, on conviction before the Magistrate of the city or district, to be punished by fine and imprisonment under the general powers vested in the zillah and city Magistrates.

Notice for attendance of parties to be issued under Reg. X. 1819, Sec. 102, and in case of default judgment to be passed, and after judgment, warrant for apprehension.

XXIX. And it is hereby enacted, in addition to the Rules contained in Sections 111, 112 and 113, of Regulation X. 1819 of the Bengal Code, for the adjudication of cases of contravention of the laws enacted for the protection of the Revenue derived from salt, that if the attendance of the parties charged with such offences cannot be obtained by reason of their failure to attend in person or by vakeel, after being served with a summons, or by reason of their evading process, the officer adjudicating any such case shall issue notice for the attendance of the parties accused in the manner prescribed in Section 102 of the said Regulation; and if the parties do not attend in person or by vakeel within the time fixed by such notice, the officer adjudicating the case shall pass judgment thereon, under the said last mentioned Section, in like manner as if the parties accused were present; and the officer so adjudicating any case *ex-parte*, may, at any time after such judgment, issue his warrant for the apprehension of the persons convicted for execution of the sentence, in the manner provided in Regulation X. of 1819 of the Bengal Code, and in this Act, for cases in which the parties were present; and further may at any time sue out process for levying the amount of fine adjudged, from any Civil Court competent to execute its own decrees, in the manner and form prescribed for the execution of the decrees of such Civil Court under Section 30 of this Act.

In ex-parte cases referred to him, the Judge shall proceed under Reg. X.

XXX. And it is hereby enacted, that when the officer holding proceeding in any case *ex-parte*, as above provided, shall refer the case to the Judge of any city or zillah, in con-

1819, Secs. 111–113.

sequence of the amount of fine being such as the said officer is not competent finally to adjudge, the Judge of the city or zillah to whom such case may be referred shall issue such orders and institute such proceedings as are authorized by Sections 111 to 113 of Regulation X. of 1819 of the Bengal Code, in like manner as if the offenders were sent over with the case or were present to be heard in their defence; and whenever any fine may be adjudged by the zillah or city Judge, the same may be levied on the application of the Salt Agent or Superintendent of Salt Chowkies under the rules in force for the execution of the decrees of Civil Courts.

Judgment of Agent to be final whenever the salt confiscated shall not exceed eighty maunds, and the fine shall not exceed Rs. 400.

XXXI. And it is hereby enacted, in modification of the Rules contained in Sections 109 and 112, of Regulation X. of 1819 of the Bengal Code, whereby the power of final adjudication by Salt Agents or Superintendents of chowkies, in cases of the contravention of the laws enacted for the protection of the Salt Revenue, is restricted to cases in which the quantity of salt proposed to be confiscated shall not exceed twenty maunds or the fine adjudicated shall not exceed 50 Rupees, that the judgment of any Salt Agent or Superintendent of chowkies, or of any other officer vested by Government with like jurisdiction in such cases, shall be final in all cases wherein the salt adjudged to be confiscated shall not exceed eighty maunds, and the fine imposed upon the defendant, or any one of several defendants, shall not exceed 400 Rupees. Provided, however, that every such judgment may under Section 117 of the said Regulation be brought by petition before the Board of Customs, Salt and Opium, and be reversed or amended by that authority.

Right of petition to Board, reserved.

Cases of confiscation and fine beyond the above amounts to be only open to special appeal to Sudder Court.

XXXII. And it is hereby enacted, in modification of Section 114, Regulation X. 1819 of the Bengal Code, that the zillah and city Judges shall pass final judgment in all cases referred to them for adjudication when the quantity of salt to be confiscated shall exceed eighty maunds, or the fine imposed shall exceed 400 Rupees; provided, however, that there shall in all such cases be an appeal open to the Sudder Dewanny

Adawlut, under the rules for the admission of special appeals in that Court, upon any point of law which may be ruled by a zillah or city Judge in any such judgment.

XXXIII. And it is hereby enacted, that the penalties of this Act shall take effect only within the tract of country guarded by salt chowkies in the manner prescribed in Section 36, of Regulation X. 1819 of the Bengal Code, and within which the transportation of salt not belonging to Government, without a ruwanna or special pass from the Board of Customs, Salt and Opium, is not lawful; and it is hereby declared that such tract shall not extend, within the Delta of the Ganges and Megna rivers, beyond the line of the reach of the tides in the rivers communicating with the Bay of Bengal as taken at spring tides in the dry season; nor, eastward of the Megna, north of the river Goomtee; nor, westward of the river Hooghly, beyond a line drawn from a point on that river distant one mile from the northern end of the town of Nyasurai, and to the north thereof, to a like point distant one mile to the north of the town of Guttaul, and thence to a like point distant one mile to the north of the town of Midnapore, and thence to a like point distant one mile to the north of Huldipookur in Singbhoom, so as to include each of those towns respectively. Local limits of operation of this Act.

ACT No. XXX. OF 1838.

BENGAL.

1. *Parts of certain Regulations modified.*
2. *Offices for Registry of Deeds may be placed under superintendence of any resident officers.*
3. *Same fees to be payable as at former offices.*
4. *Reg. XXXVI. 1793, Sec. 15, and Reg. XX. 1812, Sec. 6, Cls. 2, 3 not to apply to new offices or their superintendents.*
5. *Additional fees at the established rates of section-writing to be paid for registering deeds in any European language.*
6. *In case of death &c., zillah Judge or other especially authorised officer to appoint a temporary registrar.*

I. It is hereby enacted, that Sections 2 and 14, Regulation XXXVI. 1793, the provisions of which were extended Parts of certain Regulations modified.

by Regulation XXVIII. of 1795, Regulation XVII. of 1803, Section 17, Regulation VIII. of 1805, and Section 32, Regulation XII. of 1805, Section 4, and Clauses 2 and 3, Section 6, Regulation XX. 1812, and Section 2, Regulation IV. of 1824, of the Bengal Code, be modified.

Registry of Deeds may be placed under superintendence of any resident officer.

II. And it is hereby enacted, that in addition to the offices to which those Sections relate, offices for the Registry of Deeds may be established at any civil stations, and may be placed by the orders of Government under the superintendence of any officers resident at such stations whom Government may nominate for that purpose.

Same fees to be payable as at former offices.

III. And it is hereby enacted, that the Registration of Deeds at any office of registry authorized by this Act shall be subject to the payment of the same fees as are prescribed in Section 14, Regulation XXXVI. 1793, for deeds registered at an office established at the station of a zillah or city Court.

Reg. XXXVI. 1793, Sec. 15, and Reg. XX. 1812, Sec. 6, Cls. 2, 3 not to apply to new offices.

IV. And it is hereby enacted, that Section 15, Regulation XXXVI. 1793, and Clauses 2 and 3, Section 6, Regulation XX. 1812 of the Bengal Code, shall not be held applicable to offices and persons established and appointed for the Registry of Deeds under this Act.

Additional fees to be paid for registering European deeds.

V. And it is hereby enacted, that persons desirous of registering deeds written in any European language at any office of registry in the territories subject to the Presidency of Bengal, shall be required to pay for transcribing the same according to the established rates of section-writing, in addition to the fees prescribed by Section 14, Regulation XXXVI. 1793.

In case of death, &c., zillah Judge to appoint a temporary registrar.

VI. And it is hereby enacted, that in case of the death or absence on leave of any person appointed by Government to register deeds under this Act, it shall be lawful for the zillah Judge or other officer specially authorized by Government, to appoint any person whom he may think proper to

take temporary charge of the office and to register deeds in the same manner as if such person had been appointed to the office by the orders of Government.

ACT No. XXXI. OF 1838.

SUPREME COURT.

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1. *Stat. 9, Geo. IV. C. 74, Secs. 59, 61, 80, 82, 85, 114, 117, 119, 123, and part of Sec. 90 repealed.*

2. *This Act to extend to all persons and places within the criminal jurisdiction of the Supreme Courts.*

3. *Penalty for administering poison or stabbing, &c., with intent to commit murder. Death.*

4. *Penalty for attempting to poison or shooting at, &c., or attempting to drown, suffocate or strangle any person with intent to murder. Transportation for life, or for any term of years, or imprisonment for not more than four years.*

5. *Same penalty for attempting to discharge loaded arms at any person, or wounding him with intent to do grievous bodily harm, or to prevent lawful apprehension of any person.*

6. *Same penalty for unlawfully sending or delivering to any person any explosive or dangerous thing, or casting on him any corrosive or destructive matter with intent to do and actually doing grievous bodily harm.*

7. *Same penalty for administering to any woman any noxious thing, or unlawfully using any means whatever with intent to procure miscarriage.*

8. *Repealed by Act XVI. 1852, Sec. 10.*

9. *Penalty for burglariously entering dwelling house and assaulting any person therein, with intent to murder or otherwise. Death.*

10. *Penalty for burglary, transportation for life or term of years, or imprisonment for not more than four years.*

11. *In cases of burglary, night to be considered to endure from 9* P. M. *to 6* A. M.

12. *Same penalty for stealing in dwelling house and putting any one therein in bodily fear, or for breaking or entering dwelling house and stealing therein, or for stealing in dwelling house to the value of Rs. 50, or more.*

13. *Penalty for robbery, attended with wounding. Death.*

14. *Penalty on person armed or in company with others robbing or assaulting with intent to rob, or using personal violence to any person at*

time of such robbery; transportation for life, or any term of years or imprisonment for not more than four years.

15. *Same penalty for accusing or threatening to accuse of various offences connected with unnatural crime with intent to extort, and actually thereby extorting any property.*

16. *Same penalty for plundering or stealing any part of ship in distress, or wrecked, or any goods belonging to such ship.*

17. *Same penalty for robbing or stealing from the person, transportation for from 10 to 15 years, or imprisonment for not more than 3 years.*

18. *Penalty for assaulting with intent to rob, imprisonment for not more than 3 years.*

19. *Same penalty for demanding any property with menaces or force with intent to steal the same.*

20. *Penalty for arson of dwelling house any person being therein. Death.*

21. *Penalty for arson of church, house, coach-house, &c., or any building used for trade or manufacture, with intent to injure or defraud. Transportation for life, or years, or imprisonment for not more than 4 years.*

22. *Penalty for arson or other destruction of ship with intent to murder or whereby life may be endangered. Death.*

23. *Penalty for maliciously doing anything tending to immediate loss or destruction of any ship in distress, or unlawfully exhibiting any false light or signal with intent to bring ships into danger. Death.*

24. *Penalty for arson or other malicious destruction of ship, complete or unfinished. Transportation for life or term of years, or imprisonment for not more than 4 years.*

25. *Same penalty for preventing or impeding any person endeavouring to save his life from any ship in distress, &c.*

26. *Same penalty for unlawful and malicious destruction of any part of ship in distress, or any goods, &c., belonging to such ship.*

27. *Same penalty for maliciously setting fire to any coal mine.*

28. *Same penalty for maliciously setting fire to any stack, or crop of rice, corn, &c., or to any part of a wood, &c., or to any grass, &c.*

29. *Penalty for stealing the whole or part of any growing tree, &c., or of any post, &c., or of any growing cultivated plant, &c., or for malicious commission of damage to any real or personal property public or private. Fine of Rs. 50 for first offence, and imprisonment for not more than six months with or without hard labour for second offence.*

30. *Last mentioned fine to be paid to party aggrieved, if known and not a witness. If fine not paid, offender may be committed to prison with or without hard labour.*

31. *Party aggrieved only to receive one sum equivalent to amount of injury done, though several persons should be fined.*

32. *All persons summarily convicted under this Act to be released from all other proceeding for the same cause, after payment of sum adjudged or endurance of imprisonment awarded.*

33. *Malicious offences under this Act punishable whether the malice was conceived against the owner of the property or otherwise.*

34. *In any proceeding for theft or malicious injury to public property, such property need not be alleged to be that of any person.*

35. *Interpretation of words, "property" and "dwelling house."*

36. *Every principal in the second degree and every accessary before the fact to be punishable as principal in the first degree; and every accessary after the fact to be liable to imprisonment for not more than two years.*

37. *Any person liable to imprisonment under this Act may be sentenced to be kept to hard labour or in solitary confinement, but not for more than one month at a time or three months in any one year.*

38. *Natives of the East Indies not born of European parents not to be transported under this Act to New South Wales or the islands adjacent.*

Stat. 9 Geo. IV. C. 74, Secs. 59, 61, 80, 82, 85, 114, 117, 119, 123, and part of Sec. 90 repealed.

I. It is hereby enacted, that so much of a Statute made and passed in the 9th year of the reign of His late Majesty King George the Fourth, entitled an Act for improving the administration of Criminal Justice in the East Indies, as relates to any person who unlawfully and maliciously shall administer or attempt to administer to any person, or shall cause to be taken by any person, any poison or other destructive thing, or shall unlawfully and maliciously attempt to drown, suffocate, or strangle any person, or shall unlawfully and maliciously shoot at any person, or shall, by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to murder such person; and so much of the said Act as relates to any person who shall unlawfully and maliciously shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall unlawfully and maliciously stab, cut or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of the party so offending, or of any of his accomplices for any offence for which he or they

may respectively be liable by law to be apprehended or detained; and so much of the said Act as relates to any person who, with intent to procure the miscarriage of any woman, then being quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any poison or other noxious thing or shall use any instrument or other means whatsoever with the like intent; and who with intent to procure the miscarriage of any woman, not being or not being proved to be then quick with child, unlawfully and maliciously shall administer to her, or cause to be taken by her, any medicine or other thing, or shall use any instrument or other means whatever with the like intent; and so much of the said Act as relates to any person who shall rob any other person of any chattel, money, or valuable security; and so much of the said Act as relates to any person who shall accuse or threaten to accuse any other persons of any infamous crime, with a view or intent to extort or gain from him, and shall by intimidating him by such accusation or threat, extort or gain from him any chattel, money or valuable security; and so much of the said Act as relates to any person who shall steal from the person of another, or shall assault any other person with intent to rob him, or shall, by menaces or by force, demand property of any other person with intent to steal the same; and so much of the said Act as relates to any person who shall be convicted of burglary; and so much of the said Act as relates to any person who shall break and enter any dwelling house and steal therein any chattel, money or valuable security to any value whatever, or shall steal any such property to any value whatever in any dwelling house, any person therein being put in fear, or shall steal in any dwelling house any chattel, money or valuable security to the value in the whole of fifty Company's Rupees or more; and so much of the said Act as relates to any person who shall plunder and steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize, or articles of any kind belonging to such ship or vessel; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any church or chapel, or other public place of religious

worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same, or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person; and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to, or in any wise destroy, any ship or vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to any goods being on board any ship or vessel as cargo, with intent to destroy such cargo or ship, and with intent thereby to prejudice any owner or part owner of such ship or vessel, or any owner or part owner of any goods on board the same, or any person that hath underwritten, or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the said Act as relates to any person who shall exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, or shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same); and so much of the said Act as relates to any person who shall unlawfully and maliciously set fire to any stack of rice, corn, or other grain or pulse, or sugar-cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing; and so much of the said Act as relates to the punishment of principals in the second degree, and of accessaries before and after the fact respectively to such of the felonies punishable under those Acts as are hereinbefore refer-

red to, shall, from the time of passing this Act, cease to have effect within the territories of the East India Company, except as to offences committed before or upon the day of passing this Act, which shall be dealt with and punished as if this Act had not been passed.

Act to be co-extensive with criminal jurisdiction of the Supreme Courts.

II. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the Criminal jurisdiction of any of Her Majesty's Courts of Justice within the territories under the Government of the East India Company extends, but not further or otherwise.

Penalty for administering poison or stabbing, &c., with intent to commit murder. Death.

III. And it is hereby enacted, that whosoever shall administer to or cause to be taken by any person any poison or other destructive thing, or shall, stab, cut, or wound any person, or shall by any means whatsoever cause to any person any bodily injury dangerous to life, with intent in any of the cases aforesaid to commit murder, shall be guilty of felony and being convicted thereof shall suffer death.

Penalty for attempting to poison or shooting at, &c., or attempting to drown, suffocate or strangle any person with intent to murder.

IV. And it is hereby enacted, that whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Same penalty for attempting to discharge loaded arms with intent to do grievous bodily harm to, or to prevent lawful apprehension of any person.

V. And it is hereby enacted, that whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim,

disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Unlawfully sending or delivering to any person any dangerous thing, or casting on him any destructive matter with intent to do, and actually doing, grievous bodily harm.

VI. And it is hereby enacted, that whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, any explosive substance or any other dangerous or noxious thing, or shall cast or throw upon or otherwise apply to any person any corrosive fluid or other destructive matter, with intent in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Unlawfully using any means whatever to procure miscarriage.

VII. And it is hereby enacted, that whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

VIII. *Repealed by Act XVI.* 1852. Section 10.

Burglariously entering dwelling house and

IX. And it is hereby enacted, that whosoever shall burglariously break and enter into any dwelling house, and

assaulting therein, with intent to murder. Death.

shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat or strike any such person, shall be guilty of felony, and being convicted thereof shall suffer death.

Burglary. Transportation for life or term of years, or imprisonment for not more than four years.

X. And it is hereby enacted, that whosoever shall be convicted of the crime of burglary shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

In cases of burglary, night to be considered to endure from 9 p. m. to 6 a. m.

XI. Provided always, and it is hereby enacted, that so far as the same is essential to the offence of burglary, the night shall be considered, and is hereby declared to commence at nine of the clock in the evening, and to conclude at six of the clock in the morning of the next succeeding day.

Stealing in dwelling house and putting any one therein in bodily fear. Breaking or entering dwelling house and stealing therein. Stealing in dwelling house to the value of Rs. 50.

XII. And it is hereby enacted, that whosoever shall steal any property in any dwelling house, and shall by any menace or threat put any one being therein in bodily fear, or shall steal in any dwelling house any property to the value in the whole of fifty Company's Rupees or more, or shall break and enter any dwelling house, and steal therein any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Penalty for robbery, attended with wounding. Death.

XIII. And it is hereby enacted, that whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut or wound any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

Penalty on person armed or in company with others robbing or assaulting with intent to rob, or using personal violence to

XIV. And it is hereby enacted, that whosoever shall, being armed with any offensive weapon or instrument, rob or assault with intent to rob any person, or shall together with one or more person or persons rob or assault with intent to

rob any person, or shall rob any person, and at the time of or immediately before or after such robbery shall beat, strike or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

any person at time of such robbery.

XV. And it is hereby enacted, that whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery committed either with mankind or with beast, or of any assault with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise, or threat to any person whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life or for any term of years, or to be imprisoned for any term not exceeding four years.

Accusing or threatening to accuse of unnatural crime, with intent to extort, and actually thereby extorting, any property.

XVI. And it is hereby enacted, that whosoever shall plunder or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, and be convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Plundering or stealing any part of ship in distress, or wrecked, or any goods belonging to such ship.

XVII. And it is hereby enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable at the discretion of the Court, to be transported to such place as the Court shall direct, for any term

Robbing or stealing from the person.

not exceeding fifteen years, nor less than ten years, or to be imprisoned for any term not exceeding three years.

Assault with intent to rob.

XVIII. And it is hereby enacted, that whosoever shall assault any person with intent to rob shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

Demanding any property with menaces or force with intent to steal the same.

XIX. And it is hereby enacted that whosoever shall with menaces or by force, demand any property of any person with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

Arson of dwelling house any person being therein. Death.

XX. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any dwelling house, any person being therein, shall be guilty of felony, and being convicted thereof shall suffer death.

Arson of church, house, coach-house, &c., or any building used for trade or manufacture with intent to injure or defraud.

XXI. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any church or chapel or other public place of religious worship whatsoever, or shall unlawfully and maliciously set fire to any house, stable, coach-house, out-house, ware-house, office, shop, mill, barn, or granary, or to any building or erection used in carrying on any trade or manufacture or any branch thereof, whether the same or any of them respectively shall then be in the possession of the offender or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Arson or other destruction of ship with intent to murder or whereby life may be endangered. Death.

XXII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel either with intent to murder any person, or whereby the life of any person shall be endan-

gered, shall be guilty of felony, and being convicted thereof shall suffer death.

XXIII. And it is hereby enacted, that whosoever shall unlawfully exhibit any false light or signal with intent to bring any ship or vessel into danger, or shall unlawfully and maliciously do any thing tending to the immediate loss or destruction of any ship or vessel in distress, shall be guilty of felony, and being convicted thereof shall suffer death.

Maliciously doing anything tending to immediate loss of any ship in distress, or unlawfully exhibiting any false light or signal with intent, &c. Death.

XXIV. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to or in any wise destroy any ship or vessel whether the same be complete or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in any wise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten or shall underwrite any policy of insurance upon such ship or vessel or on the freight thereof or upon any goods on board the same, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Arson or other malicious destruction of ship, complete or unfinished.

XXV. And it is hereby enacted, that whosoever shall by force prevent or impede any person endeavouring to save his life from any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore (whether he shall be on board or shall have quitted the same) shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Preventing or impeding any person endeavouring to save his life from any ship in distress, &c.

XXVI. And it is hereby enacted, that whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast

Malicious destruction of any part of ship in distress or any goods, &c., be-

longing to such ship.

on shore, or any goods, merchandize or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as to Court shall direct for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Maliciously setting fire to any coal mine.

XXVII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any mine of coal shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Maliciously setting fire to any stack, or crop of rice, corn, &c., or to any part of a wood, &c., or to any grass, &c.

XXVIII. And it is hereby enacted, that whosoever shall unlawfully and maliciously set fire to any stack of rice, corn or other grain, pulse, or sugar-cane, straw, hay, or wood, or to any crop of rice, corn or other grain, or pulse or sugar-cane, whether standing or cut down, or to any part of a wood, coppice or plantation of trees or valuable plants, or to any grass, fern, or other like ground produce, wheresoever the same may be growing, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall think fit for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

Stealing the whole or part of any growing tree, &c., or of any post, &c., or plant, &c., or for malicious damage to any property public or private. Rs. 50 for first offence; and imprisonment for not more than six months with or without hard labour for second offence.

XXIX. And it is hereby enacted, that if any person shall steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever, either of a public or private nature, every such offender being convicted before a Magistrate or Justice of the Peace shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding 50 Rupees as to the Magistrate or Justice of the Peace shall

seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for such second offence, be imprisoned, with or without hard labor, for such term not exceeding six calendar months as the convicting Magistrate or Justice of the Peace shall think fit. Provided always that nothing in this Section contained concerning the stealing of any property or malicious damage, injury or spoil to or upon any real property of a private nature shall extend to the settlements of Prince of Wales' Island, Singapore, or Malacca.

Last mentioned fine to be paid to party aggrieved, if known, and not a witness. If fine not paid, offender may be committed to prison with or without hard labour.

XXX. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the convicting Magistrate or Justice of the Peace) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence, and that in every case of a summary conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Magistrate or Justice of the Peace shall not be paid, either immediately after the conviction or within such period as the Magistrate or Justice of the Peace shall, at the time of conviction, appoint, it shall be lawful for the convicting Magistrate or Justice of the Peace to commit the offender to the common Gaol or House of Correction to be imprisoned only, or to be imprisoned with hard labor according to the discretion of the Magistrate or Justice of the Peace for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be) together with the costs, shall not exceed 50 Rupees, and for any term not exceeding four calendar months when the amount with costs shall not exceed 100 Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Party aggrieved only to receive one sum equivalent to amount of injury done.

XXXI. Provided always, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only.

Persons summarily convicted to be released from all other proceeding for the same cause.

XXXII. And it is hereby enacted, that in case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid together with costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, every such person shall be released from all further or other proceedings for the same cause.

Malicious offences punishable whether the malice was against the owner or otherwise.

XXXIII. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced whether the offence shall have been committed from malice conceived against the owner of the property in respect of which it shall be committed or otherwise.

Property need not be alleged to be that of any person.

XXXIV. And it is hereby enacted, that it shall not be necessary in any proceeding either for theft or for malicious injury, spoil, or damage, to or upon any property dedicated to public use or ornament, to allege the same to be the property of any person.

[illegible]rpr[illegible] of words, "property" and "dwelling house."

XXXV. And it is hereby enacted, that the word "property" shall throughout this Act be deemed to include every thing included under the words "chattel, money, or valuable security" in the said Statute made and passed in the ninth year of the reign of his late Majesty King George the 4th aforesaid—and that the term dwelling house shall have the same construction as in the said Statute.

Principal in the second degree and acces-

XXXVI. And it is hereby enacted, that in the case of every felony punishable under this Act, every principal in the

second degree and every accessary before the fact shall be punishable with death or otherwise in the same manner as the principal in the first degree is by this Act punishable. And every accessary after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall on conviction, be liable to be imprisoned for any term not exceeding two years.

sary before the fact to be punishable as principal in the first degree, and accessary after the fact to be liable to imprisonment for not more than two years.

XXXVII. And it is hereby enacted, that where any person shall be convicted under this Act for any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labor, and also to direct that the prisoner be kept in solitary confinement for such a period or periods of the imprisonment as to the Court in its discretion shall seem meet, not exceeding one month at a time, or three months in any one year.

Convict may be sentenced to hard labor: also, to solitary confinement, but only for limited periods.

XXXVIII. And it is hereby enacted and provided, that it shall not be lawful for any Court, under the authority of this Act, to order the transportation of any person, being a native of the East Indies and not born of European parents, to the Eastern Coast of New South Wales, or any of the islands adjacent thereto.

Natives of India not to be transported to New South Wales.

ACT No. XXXII. OF 1838.

BENGAL.

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1. *All powers in criminal cases now appertaining to two Justices for Bengal, Behar, and Orissa, may be exercised by one Justice.*

2. *Any one Justice may issue warrant of distress under 33, Geo. III., C 52.*

3. *Acts done and warrants issued by one Justice rendered valid.*

I. It is hereby enacted and declared, that all powers whatever in criminal cases, which by virtue of any law now in force may be exercised by two Justices of the Peace within and for the provinces, districts, and countries of Bengal, Behar

and Orissa, and within and for the Presidency of Fort William in Bengal, and places thereto subordinate, may be exercised by one such Justice.

II. And it is hereby enacted, that it shall be lawful for any one such Justice to issue a warrant of distress for the recovery of arrears of assessment accruing under the Act of Parliament, 33 George III. Cap. 52, and every such warrant shall have the same force as if it were under the hands and seals of two such Justices.

III. And it is hereby enacted and declared, that all such powers heretofore exercised, and warrants issued by one such Justice of the Peace, shall be deemed legal and valid as if the same had been exercised or issued by two such Justices.

ACT No. I. OF 1839.

Repealed by Act X. 1859.

ACT No. II. OF 1839.

Repealed by Act XVII. 1862.

ACT No. III. OF 1839.

Repealed by Act X. 1861.

ACT No. IV. OF 1839.

THE STRAITS.

1. *Penalty for stealing growing tree or plants, post, paling, &c., and for malicious damage on private property. Rs. 200 and compensation. Subsequent offence, six months' imprisonment.*
2. *Sum assessed for compensation when to be given to party injured.*
3. *In default of payment, offender how to be dealt with.*
4. *After payment or imprisonment, offenders to be released from all further proceedings.*
5. *Malice under this Act, not necessarily malice against the owner of the property.*
6. *Receiver liable to same punishment as the thief.*
7. *Court of Quarter Session to sit for trial of cases under this Act at least once in 14 days.*

Penalty for stealing growing tree or plant, post, paling, &c., and for malicious damage on private property. Rs. 200 and compensation. Subsequent offence, six months' imprisonment.

I. It is hereby enacted, that if any person shall, within the jurisdiction of the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, steal the whole or any part of any growing tree, sapling or shrub, or any underwood, or the whole or any part of any pale, post or stile, or any growing cultivated plant, root, fruit, or vegetable production, or shall unlawfully and maliciously commit any damage, injury, or spoil to or upon any real or personal property whatsoever of a private nature, every such offender, being convicted thereof before a Court of Quarter Session, shall for the first offence forfeit

and pay, over and above the amount of the injury done, such sum of money, not exceeding 200 Rupees, as to the Court of Quarter Session shall seem meet, and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for every such subsequent offence, be imprisoned with or without hard labor for such term, not exceeding six calendar months, as the Court of Quarter Session shall think fit.

Sum assessed for compensation, when to be given to party injured.

II. And it is hereby enacted, that every sum of money which shall be forfeited for the amount of any injury done (such amount in each case to be assessed by the Court of Quarter Session, but not to exceed 200 Rupees,) shall be paid to the party aggrieved, if known, except when such party shall have been examined in proof of the offence. Provided always, that when several persons shall join in the commission of the same offence, and shall on conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case no further sum shall be paid to the party aggrieved, than that which shall be forfeited by one of such offenders only.

In default of payment, offender how to be dealt with.

III. And it is hereby enacted, that in every case of conviction under this Act, when the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the said Court of Quarter Session, shall not be paid, either immediately after the conviction, or within such period as the said Court shall at the time of the conviction appoint, it shall be lawful for the said Court to commit the offender to prison, there to be imprisoned only, or to be imprisoned with hard labor, according to the discretion of the said Court, for any term not exceeding two calendar months, when the amount of the sum forfeited or of the penalty imposed, or both, (as the case may be) together with the costs, shall not exceed 50 Rupees; and for any term not exceeding four calendar months, when the amount with costs shall exceed 50 Rupees but shall not exceed 100 Rupees, and for any term not exceeding six calendar months, in any other case: the commitment to be

determinable in each of the cases aforesaid, upon payment of the amount and costs.

After payment or imprisonment, offenders to be released from all further proceedings.

IV. And it is hereby enacted, that in case any person convicted of any offence, by virtue of this Act, shall have paid the sum adjudged to be paid, together with the costs under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, such person shall be released from all further or other proceedings for the same cause.

Malice under this Act, not necessarily malice against the owner of the property.

V. And it is hereby enacted, that every punishment and forfeiture by this Act imposed on any person maliciously committing any offence shall equally apply and be enforced, whether the offence shall have been committed from malice, conceived against the owner of the property in respect of which it shall be committed or otherwise.

Receiver liable to same punishment as the thief.

VI. And it is hereby enacted, that where the stealing of any property is by this Act punishable, either for every offence or for the first and subsequent offences, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, on conviction thereof in like manner as the principal offender, be liable for every first and subsequent offence of receiving to the same forfeiture and punishment to which a person guilty of a first or subsequent offence of stealing is by this Act made liable.

Court of Quarter Session to sit for trial of cases under this Act at least once in 14 days.

VII. And it is hereby enacted, that the Court of Quarter Session established by the Letters Patent establishing the Court of Judicature of Prince of Wales' Island, Singapore and Malacca, bearing date the 27th day of November, 1826, shall sit for the purpose of hearing and determining matters made offences by this Act at each station of the said Settlements not less frequently than once in fourteen days. Provided always, that no Court shall be holden excepting in the presence of one of the Judges of the Court of Judicature, and that no Justice of the Peace, being a proprietor or renter of a spice plantation or otherwise directly interested in the enforcement of the pro-

visions of this Act, shall sit and have a deliberative voice in such Court of Quarter Session when held at a station where such Justice may be so interested.

ACT No. V. OF 1839.

Repealed by Act XIV. 1851.

ACT No. VI. OF 1839.

Repealed by Act IV. 1862.

MADRAS.

ACT No. VII. OF 1839.

1. *Reg. XXVIII. 1802, Sec. 23 repealed, and all Commissions under it annulled.*
2. *Tuhseeldars to be vested with powers of Commissioners for the sale of property for arrears of rent or revenue.*
3. *But to be subject to control of Collector.*
4. *And subject to same liabilities as under Reg. IX. 1822, Sec. 10.*
5. *Sale fees to be carried to account of Government.*
6. *Tuhseeldars may delegate the powers vested in them to any of their subordinates, subject to Collector's order.*

Reg. XXVIII. 1802, S. 23 repealed, and all Commissions under it annulled.

I. It is hereby enacted, that from the first day of May in the year of our Lord 1839, Section 23, of Regulation XXVIII. of 1802, of the Madras Code, shall be repealed, and all Commissions whereby Commissioners for the sale of distrained property may have been appointed under the provisions of that Section, shall be annulled.

Tuhseeldars to be vested with powers of Commissioners for the sale of property for arrears of rent or revenue.

II. And it is hereby enacted, that from the said day all Tuhseeldars, within the territories subject to the Presidency of Fort St. George, shall be vested with the powers of Commissioners for the sale of property distrained for arrears of rent, or of revenue, and shall be subject to all rules and provisions to which by any Law or Regulation such Commissioners are subject.

III. Provided always, that in respect of the exercise of those powers, Tuhseeldars shall be subject to the control and superintendence of the Collector, and shall not be subject to the authority of the zillah Judge, except in the case of any judicial proceedings.

But to be subject to control of Collector.

IV. Provided also, that Tuhseeldars shall be subject to the same liabilities, in respect of the exercise of the said powers, to which they are subjected by Section 10, Regulation IX. of 1822, of the Madras Code, in cases in which they conduct sales under the provisions of that Regulation.

And to same liabilities as under Reg. IX. 1822, Sec. 10.

V. Provided also, that Tuhseeldars shall not be entitled to any fee or commission for selling such distrained property; but that all fees or commissions, which may be now lawfully taken by Commissioners for the sale of such distrained property, shall be taken and carried to the account of Government.

Sale fees to be carried to account of Government.

VI. And it is hereby enacted, that Tuhseeldars shall have authority, subject to the orders of the Collector, to delegate the powers vested in them by the second Section of this Act, to any public servants placed under their authority; and that the provisions of the three last preceding Sections of this Act, shall apply to all public servants to whom those powers shall have been so delegated, in the same manner as they apply to Tuhseeldars.

Tuhseeldars may delegate their powers to any of their subordinates, subject to Collector's order.

ACT No. VIII. OF 1839.

BOMBAY.

The villages comprised in the jagheer of Chinchnee having lapsed to Government, to be subject to the general law of the Presidency.

It is hereby enacted, that the following villages, lately comprising the jagheer of Chinchnee, now lapsed to Government, shall, from the time of passing this Act, be subject to all Acts and Regulations which are or shall be in force within the territories subject to the Presidency of Bombay.

Pergunnahs Gokak and Anwal.

The two following villages of the Pergunnah Terdal, viz.—

1. Moja Sunkurhutee.

2. Moja Kowtkope.

The two following villages of the Pergunnah Yadwad, viz.—

1. Moja Hoolkoond.

2. Moja Boodnee.

The two following villages of the Pergunnah Gudee Kokutnoor.—

1. Moja Jhoonjurwad.

2. Moja Nundeshwur.

The village of Moja Kutkeree, of the Pergunnah Utnee.

The village of Moja Chikpudsulgee, of the Pergunnah Birdree.

The village of Moja Oomruj, of the Pergunnah Burdole.

The four following villages of the Prant Meruj, viz.—

1. Kusba Ashta, Kurryat Ashta.

2. Moja Dhamnu. } Kurryat Tasgaon.
3. Moja Dhowlee. }

4. Moja Sumdolee, Kurryat Sanglee.

The four following villages of the Prant Raibaug, viz.—

1. Thana Chinchnee. } Kurryat Nandre.
2. Moja Umnapoor. }

3. Kusba Eksumbe. } Kurryat Eksumbe.
4. Moja Bhoj. }

The two following villages of the Prant Punnala, viz.—

1. Moja Koondul. } Turf Valve.
2. Moja Poonudee. }

The village of Ingulgee of the Koongol Pergunnah, within the Dharwar collectorate.

The three following villages of the Patoda Pergunnah within the Amednuggur collectorate.—

Moja Singnapoor.

Half of Moja Godegaon.

Half of Moja Kaslee.

The village of Hoondee Goonda, of the Pergunnah of Terdal.

The village of Moja Sooltanpoor, of the Pergunnah of Terdal.

ACT No. IX. OF 1839.

Repealed by Act X. 1861.

ACT No. X. OF 1839.

THE STRAITS

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1. *Waging war against ally of or state at peace with Government, to be felony. Penalty, transportation for not more than 14 years, or imprisonment for not more than 10 years.*

2. *Receiving property taken in such war, to be felony also, and similarly punishable.*

I. It is hereby enacted, that whoever, within the Settlements of Prince of Wales' Island, Singapore or Malacca, wages war against the Government of any Power in alliance or at peace with the Government of the territories of the East India Company, or attempts to wage such war, or by instigation, conspiracy, or aid, knowingly abets the waging of such war, or makes, or by instigation, conspiracy, or aid in supplying or selling arms, or equipments, or otherwise knowingly abets the making, of any preparation to commit depredations on the territories of any such Power, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour for any term not exceeding ten years.

II. And it is hereby enacted, that whoever within the Settlements aforesaid shall receive any property, such person knowing the same to have been taken from the territories of any Power in alliance or at peace with the Government of the territories of the East India Company in the prosecution of such war or depredation as aforesaid, shall be guilty of felony, and be liable to transportation for any term not exceeding fourteen years, or to imprisonment with or without hard labour, for any term not exceeding ten years.

ACT No. XI. OF 1839.

No stamps for appeals to the Privy Council.

It is hereby enacted, that from the time of the passing of this Act, no Stamp Duty or Institution Fee shall be payable in respect of any proceeding in any appeal, or in respect of any paper or copy of any paper necessary for any appeal from any Court of the East India Company to her Majesty in Council.

ACT No. XII. OF 1839.

Repealed by Act IX. 1848.

MADRAS.

ACT No. XIII. OF 1839.

1, 2. *The several charges of the port of Madras consolidated into a port duty of 3 annas per ton on vessels not foreign and not exceeding 700 tons' measurement, and of 3 annas 6 pie on foreign vessels. Vessels exceeding 700 tons to be assessed on that tonnage only.*

3. *Reduction of duty on vessels sailing out, without breaking bulk, within four days, and within 48 hours.*

4. *Port duty to be enforced in the same manner as former charges were enforced.*

5. *Government of India may order similar consolidation of port and harbour duties into a tonnage duty in any subordinate port of any Presidency.*

6. *But rates not to exceed 1 anna per ton on British and native, and 1 anna 4 pie per ton on foreign vessels.*

7. *Consolidated duty to be levied by officer appointed to give port clearance. Port clearance may be withheld till duty is paid.*

8. *Powers for enforcement of consolidated duty in subordinate ports to be the same as for former duties.*

The several charges of the port of Madras consolidated into a port duty of 3 annas per ton on vessels not foreign and not exceeding 700 tons' measurement.

I. It is hereby enacted, that the several charges of the port and roadstead of Madras, levied under the heads of anchorage duty, light-house duty, regular boat-hire and report catamaran-hire, shall, from and after the first day of August next, be consolidated and commuted into a port duty, to be levied at the rate of three annas per ton upon every

vessel not being a vessel sailing under the colour of a Foreign, European, or American nation, of which the tonnage shall not exceed 700 tons by measurement made in the manner prescribed by Acts V. and VI. of William IV. Cap. 56, and if the vessel exceed 700 tons by measurement so made, the port duty shall be levied as upon that tonnage.

And of 3 annas 6 pie on foreign vessels.

II. And it is hereby enacted, that upon every vessel sailing under the colours of a Foreign, European or American nation, that may anchor in the port of Madras, there shall be levied a consolidated port duty at the rate of 3 annas 6 pie per ton, according to measurement made in the manner above prescribed.

Reduction of duty on vessels sailing out, without breaking bulk, within four days, and within 48 hours, respectively.

III. And it is hereby enacted, that if any vessels, British, Native or Foreign, anchoring in the port of Madras, shall not break bulk therein, and shall not remain four complete days from the time of dropping anchor, there shall be levied upon such vessels reduced duties as follows: that is to say, two-fifths of the tonnage duty prescribed above shall be levied upon every vessel which, without breaking bulk, shall, after anchoring therein, sail again out of the port within forty-eight hours, and seven-tenths upon every vessel which, without breaking bulk, shall stay more than forty-eight hours and less than four complete days.

Port duty to be enforced in the same manner as former charges.

IV. And it is hereby enacted, that all powers and authorities, penalties and other means whereby the payment of any of the charges of the port and roadstead of Madras may have been legally enforced before the passing of this Act, shall be applicable to the enforcing of the consolidated and commuted port duties imposed by virtue of this Act.

Similar consolidation of port and harbour duties may be ordered in any subordinate port of any Presidency.

V. And it is hereby enacted; that it shall be lawful for the Government of India to order the consolidation and commutation of any port or harbour duties, as levied in any subordinate port of any Presidency, into a tonnage duty, which shall be leviable at the rate and in the manner specified in the

next following Section of this Act, upon the vessels anchoring in and trading with such port.

But rates not to exceed 1 anna per ton on British and native, and 1 anna 4 pie per ton on foreign vessels.

VI. And it is hereby enacted, that when the Governor-General of India in Council, shall direct the port duties to be commuted and consolidated at any port of the Madras Presidency, other than that of Madras, or at any subordinate port of any other Presidency, the total amount levied at such port shall not exceed one anna per ton for British and native vessels not exceeding 700 tons, and upon vessels exceeding that measurement at the rate for 700 tons, and upon Foreign, European and American vessels, at the rate of one anna four pie per ton; and all vessels anchoring in any such outports shall be charged with reduced duty, in the proportions above provided for the port of Madras; if they leave such port without breaking bulk before completing four entire days from the time of anchoring therein.

Consolidated duty to be levied by officer appointed to give port clearance. Port clearance may be withheld till duty is paid.

VII. And it is hereby enacted, that the consolidated and commuted port duties above prescribed, when ordered to be levied in any port by the Governor-General of India in Council, shall be levied by the officer appointed by the Government of the Presidency within which the port is situate to give port clearances or other customary documents to vessels sailing from such port, that is to say, by the Master Attendant, or by the Collector of Customs at such port, as may be ordered by such Government, and if such duties be not paid upon demand, it shall be competent to such officer to withhold from the vessel on account of which payment may be refused, any port clearance or other customary document required to be possessed by ships leaving such port until the same shall be paid.

Powers for enforcement of consolidated duty in subordinate ports.

VIII. And it is hereby enacted, that all the powers and authorities, penalties and other means by which any port or harbour duty of any subordinate port of any Presidency which shall be consolidated and commuted by virtue of this Act may have been legally enforced before the consolidation and com-

mutation thereof as hereinbefore provided, shall be applicable to the enforcing of the consolidated and commuted duties at such port imposed by virtue of this Act.

ACT No. XIV. OF 1839.*

GENERAL.

1. *Acts XXXII. 1837 and V. 1839 repealed.*
2. *Penalty on person contracting with native of India for labor to be performed out of India, or abetting native in emigrating for such purpose. Rs. 200, and in default 3 months' imprisonment.*
3. *Act not to apply to native contracting freely as a seaman or menial servant on board a vessel.*

I. It is hereby enacted, that Acts No. XXXII. of 1837 and No. V. of 1837 be repealed on the first day of July next.

II. And it is hereby enacted, that on and after the said first day of July next, every person who shall make with any native of India any contract for labour to be performed in any British or Foreign colony without the territories of the East India Company, or who shall knowingly abet or aid any native of India in emigrating from the said territories for the purpose of being employed as a labourer, shall be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees for every native so contracted with, aided or abetted, and in default of payment of such fine, shall be liable to be imprisoned for a term not exceeding three months.

III. Provided always, that nothing in this Act contained shall be taken to apply to any native seaman who shall of his own free will contract to navigate any vessel, or who shall embark on board such vessel in pursuance of such contract, or to any person who shall contract to serve as a menial servant only or who shall embark as such menial servant.

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* *Repealed by Act XV. 1842, but only as regards emigration from Calcutta, Madras and Bombay.*

ACT No. XV. OF 1839.

Repealed by Act XIX. 1854.

THE STRAITS.

ACT No. XVI. OF 1839.

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1. *Following rules to be in force for assessment and collection of Government rent.*

2. *Lands not declared free nor held under registered title, to be liable to assessment.*

3. *Collector may eject person so holding if he refuse to engage for the land or to remove from it.*

4. *Magistrate to assist Collector. Landholder resisting Collector, liable to fine of Rs.* 1000.

5. *Collector authorized to measure, assess and grant lease of waste and forest lands, and to give written permit to occupy, if jungle be too dense to be measured, but not to give lease for more than twenty years.*

6. *Collector may require applicant to set up and maintain boundary marks. Lease not to take effect, till boundary marks are erected. Penalty for not keeping in repair or removing or defacing boundary marks.*

7. *Application for longer leases to be forwarded to Government of Bengal.*

8. *Lease to be signed by Collector, and to specify lease-holder's name and quantity, boundaries, and rent by acre of the land, and to be registered.*

9. *Lease or grant may be surrendered for sub-division after all arrears are paid up.*

10. *Rent to be paid at Collector's office, or to person authorised. Proceedings for recovery of rent when in arrears. Proceedings for sale of land if arrear not realized as above. Sale how to be arrested. Summary process to apply only to arrears due within one year. Proceeding for reversal of attachment or sale.*

11. *Rules for registry of mutations of title whether by act of party or by succession. Registry of mutation not to be proof of title. No deed of sale or transfer or probate, &c., to be evidence of title, unless registered.*

12. *Exception as to certain cultivators and resident tenants of Malacca.*

Following rules to be in force for assessment and collection of Government rent.

I. It is hereby enacted, that from the first day of January, in the year of our Lord 1840, the following rules shall be in force for regulating the assessment and collection of the rents payable to Government in the Settlements of Prince of Wales' Island, Singapore and Malacca.

II. And it is hereby enacted, that if any person, except as is provided in the last Section of this Act, shall hold or occupy any land within any of the Settlements aforesaid, not under a grant or title from Government duly registered, and which land has not been declared by competent authority free from assessment, such land shall be liable to assessment, and shall be assessed in such manner, at such rate, and under such conditions, as the Collector acting under the instructions of the Governor of Bengal shall determine.

Lands not declared free nor held under registered title, to be liable to assessment.

III. And it is hereby enacted, that if any person holding or occupying land in the manner set forth in the preceding Section, shall refuse to engage for, or, to remove from the land within one month from the date on which he shall be called upon by the Collector to enter into such engagement, or so to remove from it, by written notice to be served personally, or at the residence of the owner or occupier, or to be stuck up on the premises, it shall be lawful for the said Collector to eject such person from the land so held or occupied, and to take and hold possession of the same on the part of Government, to be disposed of in such manner as the Governor of Bengal may direct. Provided that no person so holding or occupying land, who has filed or shall file his claim to exemption from assessment thereon before the day and year aforesaid, shall be liable to be so called upon by the Collector until his claim shall have been determined by competent authority.

Collector may eject person so holding, if he refuse to engage for the land or to remove from it.

IV. And it is hereby enacted, that all Magistrates and Police Officers shall aid and assist the Collector and his officers in the due exercise of the power of ejectment conferred upon the said Collector by the foregoing Section, and any holder or occupier of land who shall resist or cause to be resisted the exercise of the said power, and any person who shall be aiding and abetting in such resistance, shall, on conviction before a Magistrate, be punished by fine not exceeding 1,000 Rupees, or, in default of payment of the fine, by imprisonment not exceeding six months.

Magistrate to assist Collector. Landholder resisting Collector, liable to fine of Rs. 1000.

Collector authorized to measure, assess and grant lease of waste and forest lands, and to give written permit to occupy, if jungle be too dense to be measured; but not to give lease for more than twenty years.

V. And it is hereby enacted, that after the date on which this Act shall be in force in the Settlements aforesaid, any person desirous of clearing and occupying waste and forest lands for the purposes of agriculture, shall make application to the Collector of land revenue, who is hereby authorized to measure and assess the land, and to grant a lease for the same, in such manner, and under such conditions, as the Governor of Bengal may from time to time prescribe. And if, by reason of the density of the jungle or other obstacles, it should be found impracticable to cause immediate measurement to be made of land so to be leased, it shall be competent to the Collector to issue to such applicant a permit or written authority, of which the number, date, and all essential particulars shall be entered in a register to be kept for that purpose, to clear and occupy such land, subject to the conditions on which a lease would have been granted. And on all land occupied under any such permit so issued, it shall be lawful for the Collector to demand and enforce the payment of rent in like manner as if a regular lease had been granted. And the Collector shall, with all practicable despatch, cause all land so occupied to be measured, and after such measurement the permit shall be called in and cancelled, and in lieu thereof a lease shall be issued, the term of which shall commence from the date of the permit. Provided, however, that it shall not be competent to a Collector to grant any lease of lands for a term exceeding twenty years, renewable on such conditions as the Governor of Bengal may direct for a further period of thirty years.

...se not to take effect, till boundary marks are erected. Penalty for not keeping in repair or removing or defacing boundary marks.

VI. And it is hereby enacted, that upon granting any lease under the provisions of the foregoing Section, the Collector shall require the applicant to set up good and solid landmarks by which the boundaries of the ground to be occupied by him shall be plainly defined; and such landmarks shall be set up to the satisfaction of the Collector, to be certified by him on the back or other part of the lease, before the lease shall take effect, and it shall be a condition in every lease so granted that the lessee is to maintain all such landmarks in

substantial repair. And if it shall be proved to the satisfaction of the Collector, that, notwithstanding this condition, such landmarks have not been kept in good repair, it shall be competent to the Collector to cause the proper repairs to be made, and to levy three times the cost of such repairs from the holder or occupier of the land, the amount to be levied by the process provided for the collection of rents. And the Collector or his officers shall at all times have the right of free access to such land for the purpose of inspecting and directing the construction or repair of the landmarks; and any person resisting them in the exercise of this right, or removing or defacing any landmark set up in conformity with the provisions of this Act, shall be punished in the manner provided in the 4th Section of this Act.

Application for longer leases to be forwarded to Government of Bengal.

VII. And it is hereby enacted, that all applications to hold or occupy lands for a term exceeding that specified in Section 5, for the purpose of erecting houses or other durable works on such lands beyond the limits of the principal towns in the Settlements aforesaid, shall be forwarded by the Collector to the Governor of Bengal, who will grant or reject such applications as in his judgment may seem fit.

Lease to be signed by Collector, and to specify lease-holder's name, and quantity, boundaries, and rent by acre of the land; and to be registered.

VIII. And it is hereby enacted, that every lease granted under the provisions of this Act shall be signed by the Collector for the time being, and shall specify the name of the lease-holder, the quantity and boundaries of the land included in the lease, and the rate of rent to be paid per acre per annum; which particulars, together with any other conditions material to the rights of Government, and of the party obtaining the lease, shall be entered in a register to be kept in the Collector's office for that purpose.

Lease or grant may be surrendered for subdivision after all arrears are paid up.

IX. And it is hereby enacted, that it shall be lawful for the Collector to accept on the part of Government, any surrender of a grant or lease by the parties interested in the same for the purpose of subdividing the same, and to re-grant or lease the same in parcels. Provided that no such subdivision

shall be allowed, unless all arrears of rent under the original grant or lease are paid up, and provided that on no one portion of a grant or lease so subdivided, shall a less rent than one rupee per annum be leviable.

Rent to be paid at Collector's office, or to person authorized.

X. *Clause First.*—And it is hereby enacted, that whenever the rent of any grant or lease from Government of land within any of the Settlements aforesaid shall fall due, payment thereof shall be made by the holder or occupier of the land at the office of the Collector, or to such person as shall be authorized to receive the same, and on failure of such payment, the same may be recovered in the manner following.

Proceedings for recovery of rent when in arrears.

Clause Second.—When an arrear of rent shall have become due, the Collector shall demand payment of it by a notice of demand, in writing, stating the amount of the arrear, and requiring payment of the same within fifteen days from the date of the service of the notice, and stating that in default of payment within the period specified, the amount of the arrear due, together with the costs of process, will be recovered under the powers of this Act.

Clause Third.—The notice of demand shall be served by the delivery thereof to any holder or occupier of the land, or by being left at his ordinary place of residence, or by being stuck up on the premises.

Clause Fourth.—For the service of the aforesaid notice one Rupee shall be charged, and shall be leviable, if not paid on demand, in the same manner as arrears of rent.

Clause Fifth.—Whenever an arrear of rent shall be demanded in the manner above prescribed, and shall not be discharged, it shall be lawful for the Collector to issue an attachment, and to seize, by virtue of such attachment, as well the personal property of the holder or occupier as also any effects or any crops, to whomsoever belonging, which may be found upon the land on account of which the arrear may be due, and to bring the same to sale by public auction at the Collector's office or elsewhere, five days previous notice of such sale being stuck up at some conspicuous spot, and at the place where it is intended to bring the crop or other property to sale.

Clause Sixth.—The attachment shall be made by an officer deputed for the purpose, who shall publicly notify the attachment, and shall set his seal on any property attached, and take an inventory thereof; and it shall be competent to the said officer to require the assistance of the Police in case of resistance to his authority, or of any attempt to remove the crops or other property from the premises, or otherwise to defeat the process.

Clause Seventh.—For an attachment made in pursuance of the foregoing rules, whether a sale shall actually take place or not, two Rupees shall be charged, and shall be leviable, if not paid on demand, by the sale of a portion of the attached property.

Clause Eighth.—If an arrear of rent, due as aforesaid, cannot be recovered in manner aforesaid, and the arrear shall not be discharged within six months from the date of the notice of demand prescribed by the second Clause of this Section, it shall be lawful for the Collector to bring to sale the land on account of which the arrear shall have been demanded, in the manner following.

Proceedings for sale of land if arrear not realized as above.

Clause Ninth.—An advertisement shall be stuck up for not less than twenty days before the sale, in the Collector's office, and in a Court of Justice situated near to the land, specifying the description of the land, the name of the defaulter, the amount of the arrear, the time and place of the intended sale, and the conditions thereof. The sale shall be conducted by public auction, in the presence of the Collector, the highest bidder shall be declared the purchaser, and the proceeds of the sale, after deducting the arrear originally due to Government, with interest thereon at 12 per cent. per annum, and any further arrear that may have accrued up to the day of sale, together with the costs incurred by the sale or other lawful process, shall be paid over to the party or parties entitled. On payment of the purchase money, the purchaser shall receive from the Collector a title-deed corresponding in quality and conditions with the original grant or lease, and bearing on it all material specifications relating to the quantity and situation of the land, its boundaries, the rent

demandable, the date from which its payment is to commence, and other necessary particulars; and the Collector shall forthwith put the purchaser in possession of the land so transferred, requiring for that purpose the aid of the Police, if needful. The Collector shall notify in the most public manner the result of the sale, the conveyance of the title and right which were of the defaulter to the purchaser, and the cancelment of the original grant or lease, together with all leases, incumbrances or other interests derived therefrom. And any person wilfully and with fraudulent intent offering for sale, transfer, mortgage, or otherwise making use of any such grant or lease, or of any lease, incumbrance or other interest derived therefrom, and which shall have been so declared to be cancelled, shall, on conviction before a Magistrate, be punished by a fine not exceeding five hundred Rupees, or in default of payment of such fine, by imprisonment not exceeding four months. And any person resisting or obstructing the Collector or the officers acting under his orders, whilst placing the purchaser in possession of land so sold for arrears of rent, shall be punished in the manner provided in Section 4 of this Act.

Costs of sale.

Clause Tenth.—It shall be lawful for the Collector, before the payment of any surplus, to deduct as part of the costs incurred by the sale two Rupees for the advertisement, and one per cent. on the net proceeds of the sale authorized by the foregoing Clause, to be carried to the credit of Government, for the purpose of meeting the expense of carrying the sale into effect.

Sale how to be arrested.

Clause Eleventh.—Any person having an interest in any property liable to be sold as aforesaid, shall at any time previous to the sale thereof be enabled to prevent such Sale by payment of the rent in arrear, together with interest and all legal expenses incurred to the Collector, who, upon such payment, shall desist from and withdraw all legal proceedings.

Summary process to apply only to arrears due within one year.

Clause Twelfth.—Provided, that the summary process authorized by any of the Clauses of this Section shall be held applicable only to arrears of rent which have become due within the period of one year prior to the execution of such process.

Clause Thirteenth.—Any person served with a notice of demand, or whose crop or personal property may have been seized under an attachment issued in manner aforesaid, who may dispute the justness of such demand or attachment, shall be at liberty, at any time before the sale of his crop or personal property, or, in the event of the land being advertised for sale, at any time before the sale thereof, to represent his objections to such demand, attachment or sale, to the Collector; and if the Collector shall, notwithstanding such objections, adhere to the demand, attachment, or sale, it shall be lawful for the said person to apply by petition for redress to any Civil Court competent to take cognizance of his complaint; and the Court, after hearing the Collector's answer, and making such further inquiry as may be necessary, during which the sale of any such crop, property, or land shall be stayed, shall pass judgment either for enforcing or staying the demand, and shall adjuge the costs and charges of the suit, or such portion thereof as may be just and proper, to be paid by the party cast. Proceedings for reversal of attachment or sale.

Clause Fourteenth.—Provided, that in the case mentioned in the last Clause, no sale of crops, or of personal property, or of land, shall be stayed, unless the party disputing the justice of the demand or attachment shall, on presenting his petition to the Civil Court, deposit therein, or at the Collector's office, the whole amount of the arrears of rent demanded, together with interest and legal expenses incurred, or unless such party shall give substantial security, to the satisfaction of the Civil Court, for making good the award that may be ultimately passed in the case.

XI. *Clause First.*—And it is hereby enacted, that all mutations by act of party or by succession in titles to land, taking place after the first day of January in the year of our Lord 1810, shall be registered under the following rules.

Clause Second.—The party claiming by right of transfer or succession shall attend at the Collector's office, either in person, or by his constituted agent, and shall make application for registering the mutation, producing the original grant or lease, together with the bill of sale or other deed of transfer, Rules for registry of mutations of title, whether by act of party or by succession.

which must be made out in the English language and according to a form which will be found in the Collector's office, or, in case of successions, the Probate or Letters of Administration, together with the original Will, if any, or a copy thereof, after which, notice of the mutation shall be registered, the date and other particulars of the transaction being entered in the register in a clear and distinct form.

Clause Third.—No mutations of title to lands shall be registered, until the Collector shall have satisfied himself that the boundaries of the lands have been distinctly defined by convenient and substantial landmarks. The parties whose title to lands may be so registered are required to maintain the landmarks laid down in a state of good and sufficient repair, so that they may be at all times available for the purpose of accurate ascertainment of the limits of each occupancy, and every holder or occupier of such lands, wilfully neglecting to maintain such landmarks in a sound and serviceable condition, shall forfeit a sum equal to three times the cost of the erection or repairs which may become necessary in consequence of such default, and which shall be undertaken by the Collector: the amount of the forfeiture to be levied in like manner as rents are to be collected under the provisions of this Act. And the holders or occupiers of such lands are required to admit free access to the same by the officers of Government for the purpose of inspecting the landmarks, and of measuring and laying down boundaries, and any holder or occupier of land, or other persons who shall obstruct or resist such officers, shall be liable to the penalties prescribed in Section 4 of this Act.

Registry of mutation not to be proof of title.

Clause Fourth.—It shall be lawful for the Collector to demand and receive on the part of Government a fee, to meet the charges attending the registry, of four Rupees; and of one Rupee for inspecting the register, and of two Rupees for granting a certified extract from the register.

No deed of sale or transfer or probate, &c., to be evidence, unless registered.

Clause Fifth.—The registry of a mutation shall not of itself be taken to convey or establish any legal title to land, nor shall it be held to corroborate, qualify or bar any rights which may come to be questioned judicially. But no deed whatsoever for the sale or transfer of land, which may be

executed after the first day of January in the year of our Lord 1840, shall be admitted to be valid by the officers of Government, or be received in evidence as a legal instrument by any Court of Judicature, unless the same shall have been registered in the Collector's office, in the manner directed by this Section, nor shall any Probate or Letters of Administration be received as evidence of title to land, until so registered.

Exception as to certain cultivators and resident tenants of Malacca.

XII. And it is hereby provided, that nothing in this Act contained shall apply to such cultivators and resident tenants of Malacca as hold their lands by prescription, subject only to a payment to Government of one-tenth part of the produce thereof, whether such payment be made in kind or in the form of a sum of money received by the Government in commutation of the payment in kind.

ACT No. XVII. OF 1839.

Repealed by Act XVII. 1831

ACT No. XVIII. OF 1839.

Repealed by Act XVII 1862

ACT No. XIX. OF 1839.

Repealed by Act XVII. 1862.

ACT No. XX. OF 1839.

BOMBAY.

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1. *Governor in Council may prohibit the levy of hucks and fees and customs by holders of rent-free lands, and of alienated shares of revenue after abolition thereof by Government.*
2. *Past orders of Government in Council on this subject, and future orders in conformity with this Act, not to be questioned.*
3. *Penalty on person levying hucks &c. after order of abolition, same as for undue exaction under Reg. XVII.* 1827.

I. It is hereby declared and enacted, that it shall be lawful for the Governor in Council of Bombay to issue orders

prohibiting the levy of hucks and fees of every description, and customs, whether by land or sea, enjoyed by holders of rent-free lands or other persons, and of alienated shares of any item of revenue after the abolition or relinquishment thereof by Government.

II. And it is hereby enacted, that the legality of any orders which may have been heretofore issued, or of any orders which conformably with this Act hereafter shall be issued by the Governor in Council of Bombay for prohibiting the levy of any such hucks, or fees, customs, or alienated shares of any such item of revenue as aforesaid, shall not be questioned in any court of law.

III. And it is hereby enacted, that whoever shall levy any such huck, fee, customs, or item of revenue after any such order prohibiting the same as aforesaid shall have been published in the Government Gazette of the Presidency of Bombay, and by notice fixed at the post or place at which it has heretofore been claimed, or collected, shall be punishable as for an undue exaction under Regulation XVII. of 1827, Section 16, of the Bombay Code, notwithstanding the offender be not a Revenue Officer of Government.

ACT No. XXI. OF 1839.

Repealed by Act XIII. 1856.

GENERAL.

ACT No. XXII. OF 1839.

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1. *All persons tried in any of Her Majesty's Courts of justice may make full answer and defence by Counsel.*

2. *Also, in all cases of summary conviction by a Magistrate, or Justice of the Peace, within the limits of Her Majesty's Supreme Courts.*

3. *All persons held to bail; or committed for trial before any of Her Majesty's Courts, entitled to copies of depositions on demand and on payment of a reasonable fee, provided the demand be made before commencement of Sessions.*

4. *All persons under trial to be entitled at time of trial to inspect without fee all depositions taken against them.*

An Act for enabling persons charged with offences to make their defence more effectually.

I. Whereas it is expedient to extend to the territories under the Government of the East India Company, the provisions of the Statute 6th and 7th William IV. Chapter 114. *Prisoners on trial in Supreme Court entitled to aid of Counsel.*

It is therefore hereby enacted, that all persons tried for any offence in any of Her Majesty's Courts of justice shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law, or by Attorney in Her Majesty's Courts of justice where Attorneys may practise as Counsel.

II. And it is hereby declared and enacted, that in all cases of summary conviction by a Magistrate or Justice of the Peace, exercising jurisdiction within the limits of any of Her Majesty's Supreme Courts, persons accused are, and shall be, admitted to make their full answer and defence, and to have all witnesses examined and cross-examined by Counsel or Attorney. *Also, prisoners on trial before a Justice of the Peace, &c.*

III. And it is hereby enacted, that all persons who, after the passing of this Act, shall be held to bail, or committed to prison, for any offence against the law, for which they are to be tried before any of Her Majesty's Courts of justice, shall be entitled to require and have on demand (from the person who shall have the lawful custody thereof, and who is hereby required to deliver the same) copies of the examinations of the witnesses respectively upon whose depositions they have been so held to bail or committed to prison, on payment of a reasonable sum for the same, to be fixed by such Courts respectively. Provided always, that if such demand shall not be made before the day appointed for the commencement of the Sessions at which the trial of the person on whose behalf such demand shall be made is to take place, such person shall not be entitled to have any copy of such examination of witnesses, unless the Judge at such trial shall be of opinion that such copy may be made and delivered without delay or inconvenience to such *Prisoners committed or held to bail entitled to copies of the depositions, if demanded before commencement of Sessions.*

trial; but it shall nevertheless be competent to such Judge, if he shall think fit, to postpone such trial on account of such copy of the examination of witnesses not having been previously had by the party charged.

Prisoners in Supreme Court entitled to inspect depositions at the trial.

IV. And it is hereby enacted, that all persons under trial in any of Her Majesty's Courts of justice shall be entitled, at the time of their trial to inspect, without fee or reward, all depositions or copies thereof which have been taken against them, and returned into the Court before which such trial shall be had.

ACT No. XXIII OF 1839.

Repealed by Act XXIX 1861

MADRAS.

ACT No. XXIV. OF 1839.

1. *Act XXII 1836 repealed*
2. *Rules for administration of justice and collection of revenue, in certain parts of the districts of Ganjam and Vizagapatam annulled.*
3. *Such administration vested in the Collectors of those districts, as Agents to the Governor*
4. *Governor in Council to prescribe rules for guidance of Agents and their subordinates, and to determine how far their decisions shall be final*
5. *The Foujdaree Court authorized to decide cases referred to it by either of the Agents under the rules*
6. *Sudder Adawlut to try appeals from the decrees of either of the Agents under the rules*
7. *Agents authorized to make commitments by warrants under their hand, but to report immediately to Governor in Council.*
8. *Alterations in the limits of the tracts under the jurisdiction of the Agents, how to be made*

An Act for the administration of justice and collection of the revenue in certain parts of the districts of Ganjam and Vizagapatam.

Act XXII. 1836 repealed.

I. It is hereby enacted, that from the first day of December, 1839, Act XXIII of 1836 shall be repealed.

II. And it is hereby enacted, that from and after the said first day of December, 1839 the operation of the rules for the administration of civil and criminal justice, as well as those for the collection of the revenue, shall cease to have effect, except as hereinafter mentioned, within the undermentioned tracts of country at present included in the districts of Ganjam and Vizagapatam.

Rules for administration of justice and collection of revenue, in parts of Ganjam and Vizagapatam annulled.

In the District of Ganjam.

Zemindaries.

Pauloor.
Hoomanah.

In the District of Ganjam.

Zemindaries.

Beeridee.
Khullicottah.
Pratapagery.
Mohery.
Vizeyanagur.
Hautgur.
Bramnorchee.
Chegatee.
Mundasa.
Soorunghi.
Jaradah.
Jaluntra.
Boodara Singhy.
Dharacottah.
Badagodah.
Sareghur.
Turlah.
Purlah Khinedy.

Aumany Estates.

Goomsur.
Sooradah.
Askah.
Poornary.
Coorlaw.

In the District of Vizagapatam.

Ancient Zemindaries.

Vazeanagur.
Bobelly.

In the District of Vizagapatam.

Hill Zemindaries.

Jayapoor.
Coorpam.
Sungumirulsah.
Chamadoo.
Panchepentah.
Andra.
Saroapully Bhomararum.
Saloor.
Mandoogole.
Belgam.
Maringhy.

Under Aumany.

Paleonda.
Golcondah.

Administration vested in the Collectors as Agents to the Governor.

III. And it is hereby enacted, that the administration of civil and criminal justice (including the superintendence of the Police) and the collection and superintendence of the revenues of every description, within the tracts of country specified in the foregoing Section which are now included in the district of Ganjam, shall be vested in the Collector of Ganjam, and within those which are now included in the district of Vizagapatam, in the Collector of Vizagapatam, and shall be exercised by them respectively as agents to the Governor of Fort St. George.

G. in C. to prescribe rules for Agents, &c.

IV. And it is hereby enacted, that is shall be competent to the Governor in Council of Fort St. George, by an order in Council, to prescribe such rules as he may deem proper for the guidance of such agents, and of all the officers subordinate to their control and authority, and to determine to what extent the decision of the agents in civil suits shall be final, and in what suits an appeal shall be to the Sudder Adawlut, and to define the authority to be exercised by the agents in criminal trials, and what cases he shall submit for the decision of the Foujdaree Adawlut.

The Foujdaree Court authorized to decide cases referred to it by either of the Agents.

V. And it is hereby enacted, that upon the receipt of any criminal trials referred by either of the agents under the rules which may be hereafter prescribed by the Governor in Council the Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Judge on Circuit.

Sudder Adawlut to try appeals from the decrees of either of the Agents.

VI. And it is hereby enacted, that upon the receipt of any appeal from a decree of either of the agents, under the rules to be prescribed as aforesaid, the Court of Sudder Adawlut shall proceed to try and determine it in the same manner as appeals from the Provincial Courts.

Agents authorized to make commitments

VII. And it is hereby enacted, that each of such agents as aforesaid shall have the power of making commitments by

warrant under his hand, which is possessed by the Governor of Fort St. George in Council by virtue of Regulation II. of 1819, of the Madras Code, provided that the third, fourth, fifth, sixth and seventh Sections of that Regulation shall remain in force and be applicable to commitments under this Act. Provided also, that in every case in which either of such agents shall make any such commitment, he shall transmit immediately a report to the Governor in Council of Fort St. George for his orders.

but to report them immediately.

VIII. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George by an order in Council, to make, from time to time, with the previous sanction of the Governor-General of India in Council, such alterations in the limits of the tracts within the aforesaid districts placed under the jurisdiction of the said agents respectively, as he may deem expedient.

Alterations in the jurisdiction of the Agents, how to be made.

ACT No. XXV. OF 1839.

BOMBAY

Portions of certain Regulations repealed, so far as they relate to the penal jurisdiction of Collectors as Magistrates. Offences therein specified to be cognizable by Magistrates, &c., under their general powers.

An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.

It is hereby enacted, that Regulation IV. of 1831, be repealed, and that Clause 4, Section 11, and Clause 3, Section 27 of Regulation XVI. of 1827; Clause 4, Section 16 of Regulation XVII. of 1827; and Clause 2, Section 8 of Regulation XII. of 1827, of the Bombay Code, so far as they relate to the penal jurisdiction of Collectors as Magistrates, be repealed. Provided always, that the offences specified in the said Sections, viz. Sections 11 and 27 of Regulation XVI. of 1827; Section 16 of Regulation XVII. of 1827, and Section 8 of Regulation XII. of 1827, shall be cognizable by Magis-

trates and Assistant Magistrates under the general powers which are or hereafter may be vested in them by the Acts and Regulations applicable to the Bombay Presidency.

ACT No. XXVI. OF 1839.

Rescinded by Act XXXVII. 1850.

CALCUTTA.

ACT No. XXVII. OF 1839.

The Court of Requests, on written application from the zillah Judge of the 21-Pargunnahs may execute decree of any civil court of that district against a judgment-debtor within its own jurisdiction, if the course of action would have been originally cognizable by it.

An Act for authorizing the Court of Requests for the town of Calcutta to execute decrees passed by the Judge of the Dewanny Adawlut of the zillah of the 24-Pergunnahs in certain cases.

Whereas execution of the decrees of the Courts of Justice of the zillah of the 24-Pergunnahs is often defeated by the parties against whom the same have been obtained, absconding from the limits of the said zillah into the town of Calcutta; and whereas by Regulation XVI. of 1812 of the Bengal Code, provision is made, where the like inconvenience occurs by parties absconding from the town of Calcutta into the said zillah, for the Judge of the said zillah enforcing the judgments of the Court of Requests of the town of Calcutta:

It is hereby enacted, that if the defendant in any suit decided by any Court of Justice of the zillah of the 24-Pergunnahs, the plaintiff in which shall have obtained a decree, shall retire before execution of the same into the jurisdiction of the Court of Requests, that Court, upon receiving written application from the Judge of Dewanny Adawlut, of the zillah of the 24-Pergunnahs, setting forth the above circumstances, and accompanied by a copy of the decree duly authenticated, is hereby authorized and directed to proceed to execute the said decree in the mode prescribed for the execution of judgments obtained in the Court of Requests, and on payment of the like

costs as are demanded for the execution of such judgments in ordinary cases. Provided always, that nothing in this Act contained shall be held to authorize the said Court of Requests to execute any decree, except the cause of action in respect of which such decree was obtained, were such, that if it had occurred within the local jurisdiction of the said Court, would have been cognizable by the same.

ACT No. XXVIII OF 1839.

So much of this Act as was then in force was repealed by Act VI 1857
Section 7 had been previously repealed by Act XXV 1855,
And Sections 2 6 8 11 and 22 31, by Act XII 1856

ACT No. XXIX OF 1839.

SUPREME COURT

1 *Recital and interpretation*

2 *Widows to be entitled in equity to dower out of estates (either wholly or partly equitable) in land*

3 *Widow to be entitled to dower, whether the husband had recovered possession or not*

4 *But not out of land absolutely disposed of by her husband*

5 *All partial interests and charges and all incumbrances, &c, upon the land created by the husband to be valid against the right of dower*

6 *Widow barred of dower by declaration in a deed*

7. *Or in a Will.*

8 *Right to dower may be restricted by conditions in the Will*

9 *Right to dower barred by devise of real estate*

10 *But not to be defeated by gift or bequest out of personalty, or land not liable to dower*

11 *Court of Equity may enforce the husband's covenant not to bar dower*

12 *Legacies in satisfaction of dower to continue entitled to priority*

13 *Dower ad ostium ecclesiæ, or ex assensu patris abolished*

14 *Act not to extend to widows married, or Wills, deeds, &c, executed before* 1*st July,* 1840

15 *Operations of Act, how far to extend*

An Act for the amendment of the law relating to dower.

1. Whereas it is expedient to extend the amendments in the English Law of dower contained in the Statute 3rd and Recital and interpretation

4th William IV. Chapter 105 to the territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of dower as it existed previously to the passing of the aforesaid Statute:

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; that is to say, the word "land" shall extend to messuages, and all other hereditaments, whether corporeal or incorporeal (except such as are not liable to dower), and to any share thereof, and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing.

Widows to be entitled to dower out of estates, either wholly or partly equitable, in land.

II. And it is hereby further enacted, that when a husband shall die, beneficially entitled to any land for an interest which shall not entitle his widow or dower out of the same at law, and such interest, whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession, or equal to an estate of inheritance in possession, (other than an estate in joint-tenancy,) then his widow shall be entitled in Equity to dower out of the same land.

Widow to be entitled to dower whether the husband had recovered possession or not.

III. And it is hereby further enacted, that when a husband shall have been entitled to a right of entry or action in any land and his widow would be entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same, although her husband shall not have recovered possession thereof; provided that such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

But not out of land absolutely disposed of by her husband.

IV. And it is hereby further enacted, that no widow shall be entitled to dower out of any land which shall have been absolutely disposed of by her husband in his lifetime, or by his Will.

V. And it is hereby further enacted, that all partial estates and interests, and all charges created by any disposition or Will of a husband, and all debts, incumbrances, contracts, and engagements to which his land shall be subject or liable, shall be valid and effectual as against the right of his widow to dower.

All charges, &c., upon the land created by the husband, to be valid against the right of dower.

VI. And it is hereby further enacted, that a widow shall not be entitled to dower out of any land of her husband, when in the deed by which such land was conveyed to him, or by any deed executed by him, it shall be declared that his widow shall not be entitled to dower out of such land.

Widow barred of dower by declaration in conveyance.

VII. And it is hereby further enacted, that a widow shall not be entitled to dower out of any land of which her husband shall die wholly or partially intestate when by the Will of her husband, duly executed for the devise of freehold estates, he shall declare his intention that she shall not be entitled to dower out of such land or out of any of his land.

Or in Will.

VIII. And it is hereby further enacted, that the right of a widow to dower shall be subject to any conditions, restrictions or directions which shall be declared by the Will of her husband duly executed as aforesaid.

Right to dower may be restricted by conditions in the Will.

IX. And it is hereby further enacted, that where a husband shall devise any land out of which his widow would be entitled to dower if the same were not so devised, or any estate or interest therein, to or for the benefit of his widow, such widow shall not be entitled to dower out of or in any land of her said husband, unless a contrary intention shall be declared by his Will.

Right to dower barred by devise of real estate.

X. And it is hereby further enacted, that no gift or bequest made by any husband to or for the benefit of his widow of or out of his personal estate, or of or out of any of his land not liable to dower shall defeat or prejudice her right to dower unless a contrary intention shall be declared by his Will.

But not by gift or bequest out of personalty, or land not liable to dower.

Court of Equity may enforce the husband's covenant not to bar dower.

XI. Provided always and it is hereby further enacted, that nothing in this Act contained shall prevent any Court of Equity from enforcing any covenant or agreement entered into by or on the part of any husband not to bar the right of his widow to dower out of his lands or any of them.

Legacies in satisfaction of dower to continue entitled to priority.

XII. And it is hereby further enacted, that nothing in this Act contained shall interfere with any rule of Equity, or of any Ecclesiastical Court by which legacies bequeathed to widows in satisfaction of dower are entitled to priority over other legacies.

Dower ad ostium ecclesiæ, or ex assensu patris abolished.

XIII. And it is hereby further enacted, that no widow shall hereafter be entitled to dower *ad ostium ecclesiæ* or dower *ex assensu patris*.

Act not to extend to widows married, or Wills, deeds, &c., executed before 1st July, 1840.

XIV. And it is hereby further enacted, that this Act shall not extend to the dower of any widow who shall have been or shall be married on or before the first day of July one thousand eight hundred and forty, and shall not give to any Will, Deed, Contract, engagement or charge executed, entered into, or created before the said first day of July, one thousand eight hundred and forty, the effect of defeating or prejudicing any right to dower.

Operations of Act, how far to extend.

XV. And it is hereby provided, that this Act shall not be construed to affect any right of property in land otherwise than by modifying the Law of Dower in cases governed by the English Law of Dower, or to extend or alter the jurisdiction of any of Her Maj[illegible] Courts of Justice.

SUPREME COURT.

[illegible] No. XXX. OF 1839.

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1. *Recites* [illegible]*pediency of extending Stat.* 3, 4, *W. IV. C.* 106 *and gives interpretation of certain words.*

2. *Descent in every case to be traced from purchaser, and person last entitled to be held the purchaser, unless proved to have inherited.*

3. *When land is devised to the heir, he shall take as devisee. A limitation to the grantor or his heirs to create an estate by purchase.*

4. *Where a person takes by purchase under a limitation to the heirs of his ancestor, the descent shall be traced as if the ancestor had been the purchaser.*

5. *Descent from a brother or sister to be traced through the parent.*

6. *The nearest lineal ancestor to be heir, in preference to any person tracing through him or inheriting in consequence of his having no descendant.*

7. *The male line to be preferred.*

8. *The mother of a more remote male ancestor to be heir in preference to the mother of a less remote male ancestor.*

9. *Half blood to inherit next after the whole blood of the same degree when the common ancestor is a male, and when it is a female next after her.*

10. *Attainder of person deceased not to bar inheritance of his descendant after his death. If the land shall not have been escheated, prior to 1st July, 1840.*

11. *Act not to extend to any descent taking place before above date.*

12. *This Act not to extend to limitation to heirs under any assurance or Will executed before 1st July, 1840.*

13. *Nor to inheritances not subject to English law.*

An Act for the amendment of the Law of Inheritance.

I. Whereas it is expedient to extend the amendments in the English Law of Inheritance contained in the Statute 3d and 4th, William IV. Chapter 106 to the territories of the East India Company in cases which, but for the passing of this Act, would be governed by the English Law of Inheritance as it existed previously to the passing of the aforesaid Statute.

Recites expediency of extending Stat. 3 and 4, W IV. c. 106 and gives interpretation of certain words.

It is hereby enacted, that the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "land" shall extend to messuages, and all other hereditaments, whether corporeal or incorporeal, and whether freehold or of any other tenure, and to money to be laid out in the purchase of land, and to chattels and other personal property transmissible to heirs, and also to any share of the same hereditaments and properties or any of them, and to any estate of inheritance or estate for any life or lives, or

other estate transmissible to heirs, and to any possibility, right, or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the purchaser" shall mean the person who last acquired the land otherwise than by descent, or than by any escheat, partition, or enclosure, by the effect of which the land shall have become part of or descendible in the same manner as other land acquired by descent; and the word "descent" shall mean the title to inherit land by reason of consanguinity, as well where the heir shall be an ancestor or collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any ancestor shall extend to all persons who must trace their descent through such ancestor; and the expression "the person last entitled to land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof; and the word "assurance" shall mean any deed or instrument other than a Will by which any land shall be conveyed or transferred at law or in equity; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing, and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

Descent in every case to be traced from purchaser and person last entitled to be held the purchaser, unless proved to have inherited.

II. And it is hereby further enacted, that in every case, descent shall be traced from the purchaser, and to the intent, that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof, unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser, unless it shall be proved that he inherited the same, and in like manner the last person from whom the land shall be proved to have been inherited shall in every case be considered to have been the

purchaser, unless it shall be proved that he inherited the same.

III. And it is hereby further enacted, that when any land shall have been devised by any testator who shall die after the first day of July, one thousand eight hundred and forty, to the heir or to the person who shall be the heir of such testator, such heir shall be considered to have acquired the land as a devisee and not by descent; and when any land shall have been limited by any assurance executed after the said first day of July, one thousand eight hundred and forty, to the person or the heirs of the person who shall thereby have conveyed the same land, such person shall be considered to have acquired the same as a purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former estate or part thereof.

When land is devised to the heir, he shall take as devisee a limitation to the grantor or his heirs to create an estate by purchase.

IV. And it is hereby further enacted, that when any person shall have acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors, contained in an assurance executed after the said first day of July one thousand eight hundred and forty, or under a limitation to the heir or to the heirs of the body of any of his ancestors, or under any limitation having the same effect, contained in a Will of any testator who shall depart this life after the said first day of July, one thousand eight hundred and forty, then and in any of such cases such land shall descend, and the descent thereof shall be traced as if the ancestor named in such limitation had been the purchaser of such land.

Where a person takes by purchase under a limitation to the heirs of his ancestor, the descent shall be traced as if the ancestor had been the purchaser.

V. And it is hereby further enacted, that no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

Descent from a brother or sister to be traced through the parent.

VI. And it is hereby further enacted, that every lineal ancestor shall be capable of being heir to any of his issue, and

The nearest lineal ancestor to be heir, in preference to any

person tracing through him or inheriting in consequence of his having no descendant.

in every case where there shall be no issue of the purchaser his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of there being no descendent of such lineal ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal ancestor to any of his issue, other than a nearer lineal ancestor or his issue.

The male line to be preferred.

VII. And it is hereby further enacted and declared, that none of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed; and also that no female paternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed; and that no female maternal ancestor of such person, or any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

The mother of a more remote male ancestor to be heir in preference to the mother of a less remote male ancestor.

VIII. And it is hereby further enacted and declared, that where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male paternal ancestors, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor, or her descendants; and where there shall be a failure of male maternal ancestors of such person, and their descendants, the mother of his more remote male maternal ancestor, and her descendants, shall be the heir or heirs of such person in preference to the mother of a less remote male maternal ancestor, and her descendants.

Half blood to inherit next after the whole blood of the same degree when the common ancestor is a male, and when it is a fe-

IX. And it is hereby further enacted, that any person related to the person from whom the descent is to be traced by the half blood shall be capable of being his heir, and the place in which any such relation by the half blood shall stand in the order

of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole blood, and his issue, where the common ancestor shall be a male, and next after the common ancestor where such common ancestor shall be a female, so that the brother of the half blood on the part of the father shall inherit next after the sisters of the whole blood on the part of the father and their issue, and the brother of the half blood on the part of the mother shall inherit next after the mother.

male next after her.

X. And it is hereby further enacted, that when the person from whom the descent of any land is to be traced shall have had any relation, who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same by tracing his descent through such relation if he had not been attainted, unless such land shall have escheated in consequence of such attainder before the first day of July, one thousand eight hundred and forty.

Attainder of deceased not to bar inheritance of his descendant after his death. If the land shall not have been escheated, prior to 1st July, 1840.

XI. And it is hereby further enacted, that this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said first day of July, one thousand eight hundred and forty.

Act not to extend to any descent taking place before above date.

XII. And it is hereby further enacted, that where any assurance executed before the said first day of July, one thousand eight hundred and forty, or the Will of any person who shall die before that time, shall contain any limitation or gift to the heir or heirs of any person under which the person or persons answering the description of heir shall be entitled to an estate by purchase, then the person or persons who would have answered such description of heir if this Act had not been made, shall become entitled by virtue of such limitation or gift, whether the person named as ancestor shall or shall not be living at the time aforesaid.

This Act not to extend to limitation to heirs under any assurance or Will executed before 1st July, 1840.

Nor to inheritancies not subject to English law.

XIII. And it is hereby provided, that this Act shall not be construed to affect inheritances of land, which are not subject to the English Law of Inheritance, or to extend or alter the jurisdiction of [illegible] of her Majesty's Courts of Justice.

SUPREME COURT.

[illegible] No. XXXI. OF 1839.

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1. Penalty for fraudulently clipping, filing, drilling, defacing or debasing any current gold or silver coin—transportation for life, or any term of years, or imprisonment for not more than four years.

2. Natives of the East Indies not to be transported to the Eastern coast of New South Wales or the adjacent Isles.

3. Act to extend only to persons and places subject to the criminal jurisdiction of Her Majesty's Courts.

An Act for remedying certain defects in the Statute 9th, George IV. Ch. 71, relating to the coin.

I. Whereas it is expedient to remedy certain defects in the Statute 9th, George IV. Ch. 71, of which the inconvenience is particularly experienced relating to injuries to the coin:

It is hereby enacted, that if any person shall fraudulently clip, file, drill, deface, or debase any current gold or silver coin issued from any mint of the East India Company, or usually received as money in any part of the territories under the Government of the East India Company, with intent to make the coin so clipped, filed, drilled, defaced or debased, pass for the current gold or silver coin so issued, or usually received as money as aforesaid, every such offender shall be guilty of felony, and shall be liable on conviction, at the discretion of the Court, to be transported to such place as the Court shall direct for life or any term of years, or to be imprisoned for any term not exceeding four years.

II. And it is hereby provided, that it shall not be lawful for any Court under the authority of this Act, to order the transportation of any person being a native of the East Indies, and not born of European parents, to the Eastern Coast of New South Wales, or any of the Islands adjacent thereto.

III. And it is hereby enacted, that this Act shall extend to all persons and over all places over whom or which the criminal jurisdiction of any of Her Majesty's Courts of Justice within the territories under the government of the East India Company extends, but not further, or otherwise.

ACT No. XXXII. OF 1839.

GENERAL.

The Court may allow interest at the current rate on all debts and sums certain, from the due date, if such date be fixed by a written instrument; or if otherwise, from time of demand of payment and notice to debtor that interest will be claimed from such date

An Act concerning the allowance of interest in certain cases.

Whereas it is expedient to extend to the territories under the government of the East India Company, as well within the jurisdiction of Her Majesty's Courts as elsewhere, the provisions of the Statute 3d and 4th William IV. Chapter 42, Section 28, concerning the allowance of interest in certain cases:

It is, therefore, hereby enacted, that upon all debts or sums certain payable at a certain time or otherwise, the Court before which such debts or sums may be recovered, may, if it shall think fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time; or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor, that interest will be claimed from the date of such demand until the term of payment; provided that interest shall be payable in all cases in which it is now payable by law.

ACT No. I. OF 1840.

Repealed by Act XVII. 1862.

ACT No. II. OF 1840.

Repealed by Act XXIX. 1861.

BOMBAY.

ACT No. III. OF 1840.

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1. *Persons named in the schedule, together with Governor in Council, to be a corporation, by the name of the Bank of Bombay.*

2. *Capital stock not to be less than* 50 *lakhs of rupees, nor more than* 56,—*whereof three shall be the property of the Governor in Council. Names of proprietors who have not paid up, to be cancelled; but not so as to reduce the stock below* 50 *lakhs.*

3. *Governor-General may authorise the capital to be increased, allowing the proprietors* 12 *months to fill up the capital themselves.*

4. *Shares to be Rs.* 1,000 *each, numbered regularly, and first* 300 *numbers to be the property of the Governor in Council.*

5. *Notification to be made of shares paid up, and Bank to begin business from date of notification. Bank may sue and be sued by corporate name, use a common seal, and acquire and transfer property of any kind.*

6. *First subscriptions to be held as a deposit by the Sub-Treasurer to Government until notification, and then delivered over to the Directors.*

7. *Directors to deliver certificate to each proprietor for each, or any number of his shares.*

8. *No proprietor to increase his stock beyond Rs.* 1,60,000, *except in certain cases.*

9. *Shares to be personal estates and transferrible by endorsement and registration. Registration to be noted on endorsement.*

10. *The corporation to consist only of the registered proprietors for the time being.*

11. *Business of Bank to be managed by nine Directors, three to be appointed by the Governor in Council and six by the proprietors at a general meeting.*

12. *Twelve shares to qualify for office of Director. Shareholders to vote in person or by proxy.*

13. *Two of the six Directors to go out annually by rotation, but to be re-eligible.*

14. *In case of death, resignation or absence for more than three months, a successor to be elected.*

15. *Directors' qualification to be twelve shares.*

16. *Elections and other matters to be decided by a majority of votes, no person to vote in respect of any share acquired by transfer less than six months before.*

17. *Scale of voting.*

18. *Governor may vote by proxy, except upon election or removal of Directors.*

19. *Proprietors may vote in general meeting by proxy, either general or special.*

20. *Directors to choose a President from among themselves. President to have a casting vote.*

21. *Three Directors at least necessary to form a Board. Board to be secured by weekly rotation among the Directors.*

22. *All accounts and instruments, except cash notes, to be invalid unless signed by three Directors.*

23. *Directors may appoint and remove officers and fix salaries, but the whole establishment not to exceed Rs. 60,000 a year, without sanction from a general meeting.*

24. *Secretary, Treasurer, Head Accountant, or Head Shroff to give security in Rs. 50,000; and not to engage in business on their own account, or as agents, or brokers.*

25. *Limitation of the kinds of business in which alone the Bank shall be engaged.*

26. *Directors not to discount or make loans, unless Bank has cash equal to one-fourth of all claims then payable on demand.*

27. *Bank not to discount nor make loans for longer period than three months; nor to lend beyond 3 lakhs on Bank shares, mortgage, or any security not having on it the responsibility of two individuals or firms —except on Government Securities.*

28. *No other loans to be made on deposit of public securities to the full amount, or of imperishable goods to one-fourth more than the full amount.*

29. *Bank not to be in advance to the Government more than 7½ lakhs.*

30. *No person to be allowed to overdraw his account.*

31. *Repealed by Act XIX. 1861.*

32. *Bank not to make, &c., any note, &c., payable out of India.*

33. *Directors may receive in deposit imperishable goods.*

34. *Bank books to be balanced on the 30th June and 31st December in every year; settlement of balance to be transmitted to one of the Secretaries of Government. Governor in Council to be always entitled to require information.*

35. *An account of profits to be taken half-yearly on the 1st January*

and 1st July, and dividend to be declared as soon as convenient thereafter. Directors authorized to set apart a reserve of 5 per cent.

36. *General meeting to be held on the 1st Monday in August of every year, for submission of statement of affairs and other purposes.*

37. *General meeting may be convened by 3 Directors or 10 proprietors, upon giving 15 days' previous notice.*

38. *Branch Banks may be established with sanction of Governor in Council, but subject to the same provision, &c.*

39. *Bank may apply dividends of proprietor indebted to it in payment of his debt, and may refuse to register the transfer of his shares till payment of the debts, and after six months from notice given may sell his shares.*

40. *Bank to continue as hereby constituted till 1st April, 1847, and not to be dissolved or modified thereafter, except upon application or consent of the Bank, or previous notice of twelve months to the Directors. Bank's privileges to be forfeited on suspension of cash payments at any time.*

FOR THE INCORPORATION OF A BANK AT BOMBAY.

I. Whereas the Hon'ble Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the affairs of India, have sanctioned the establishment of a Bank at Bombay on the same principles as were prescribed for and have been observed in the re-incorporation of the Bank of Bengal, by Act No. VI. of 1839: and whereas the said Court of Directors have directed the body of proprietors in existence at the date of the dispatch which contained the said sanction for the incorporation of a Bank of Bombay to be the proprietors in whose favour the Act of Incorporation is to be passed:—

Persons named in the schedule, together with Governor in Council, to be a corporation, by the name of the Bank of Bombay.

It is therefore hereby enacted, that from the 1st day of April next ensuing, in the year of our Lord 1840, the persons whose names are included in the schedule hereunto annexed, provided that they, with the Government of Bombay on the part of the East. India Company, have paid up the amount of capital stock subscribed by them respectively, or such of them as have so paid up their subscriptions shall, together with the Governor in Council for the time being of the Island and Presidency of Bombay, be a corporation, body corporate and politic, by name of the Bank of Bombay, with perpetual succession to them and their successors as

proprietors for the time being of the said Bank as hereafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided, however, that it shall be lawful for the Governor-General of India in Council, at any time before the 1st May next, to rectify any errors in the schedule of the said proprietors by notice in the Official Gazettes of Calcutta and Bombay, so that no alteration be made in the principles upon which such schedule has been framed.

Capital stock not to be less than 50 lakhs of rupees, nor more than 56,—whereof three shall be the property of the Governor in Council. Names of proprietors who have not paid up, to be cancelled; but not so as to reduce the stock below 50 lakhs.

II. And it is hereby enacted, that the capital stock of the Bank of Bombay shall in amount not be less than fifty lakhs of Rupees, nor, unless increased as hereinunder provided, more than fifty-six lakhs, whereof three lakhs of Rupees shall be the property of the Governor in Council of Bombay, and the persons whose names are in the schedule hereunto annexed, shall, provided that the amount of stock subscribed for by them be paid up on or before the 1st April next, be proprietors of the shares of the said capital stock set against their names respectively, together with any further persons whose claims shall be admitted before the 1st May next, on their paying up the stock to which they may be so admitted upon or before the said 1st May next. And if any of the proprietors named in the said schedule shall not have duly paid up in full the amount of capital stock to which he or they are entitled, the shares of such stock that may be so unpaid, (provided that the total amount that may so lapse do not reduce the capital stook of the Bank below the sum of fifty lakhs of Rupees,) shall be cancelled. And if the lapsed shares cause the aggregate of the capital stock to be less than fifty lakhs of Rupees, then so much stock as may be necessary to complete that sum, shall be sold by public auction in lots of one thousand Rupees, on such date not being later than the 1st of May next, as may be fixed by the Governor in Council of Bombay, and the amount realized at such sale, after making good the capital stock, shall be passed to credit as a profit at the disposal of the Bank.

Governor-General may authorize the capital to be increased allowing the proprietors 12 months to fill it up themselves.

III. And it is hereby enacted, that it shall be in the power of the Governor-General of India in Council, from time to time, by an order duly published in the Government Gazettes of Calcutta and of Bombay, to authorize the said capital stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital, as to him may seem fit, giving due notice thereof to the proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves; and likewise to prescribe in what manner and form the proprietors shall subscribe and pay into the said Bank the proportion of new stock to which they may respectively be entitled; and also to make such order and direction as to him the said Governor-General in Council may seem fit, for the disposal of the amount of new stock that may not be subscribed for and paid up by the proprietors in the manner and form that may be so prescribed.

Shares to be Rs 1,000 each, numbered regularly, and first 300 numbers to be the property of the Governor in Council.

IV. And it is hereby enacted, that the capital stock of the Bank of Bombay shall be divided into shares of one thousand Rupees each, which shall be numbered accordingly, and three hundred of the said shares, numbered from No. 1 to 300, shall be the property of the Governor in Council of Bombay, and the remainder shall be the property of the proprietors who may pay up the same, and no separate interest or share in the stock of the said Bank of less amount than one thousand Rupees shall be created or held by any proprietor, and if at any time the capital of the said Bank shall be increased, the new stock added thereto shall in like manner be divided into shares of one thousand Rupees each, and no proprietor shall be entitled to claim a share of such new stock of less amount than one thousand rupees.

Notification to be made of shares paid up, and Bank to begin business from date of notification. Bank may sue and be sued by corporate name, use a com-

V. And it is hereby enacted, that on the said 1st day of April, 1810, or on some early day after that date, the Governor in Council of Bombay shall notify in the Official Gazette of that Presidency, that the Government share of the capital stock of the Bank of Bombay has been paid up, and

shall publish in the said Gazette a list of the proprietors by whom the shares of the said capital stock subscribed for by them respectively have been paid, and the Bank of Bombay being incorporated as above provided, shall, from the date of such notification, be opened for the transaction of all manner of business authorized by this Act; and the said Bank shall and may sue, and be sued, by its corporate name, and shall and may use such common seal as the Directors of the said Bank shall, from time to time, appoint, and shall be competent to acquire and hold, either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

mon seal, and acquire transfer property of any kind.

VI. And it is hereby enacted, that payment of the amount of subscriptions to the capital stock shall be to the Sub-Treasurer of the Government of Bombay for the time being, who will grant receipts for the same, and hold the amount as a deposit in the Treasury until the publication by the Governor in Council of Bombay of the notification prescribed in Section 5 of this Act, when he will deliver the amount so subscribed to the Directors of the Bank to be appointed as hereinafter provided.

First subscriptions to be held as a deposit by the Sub-Treasurer to Government until notification, and then delivered over to the Directors.

VII. And it is hereby enacted, that after the said delivery of the amount of capital stock to the Directors of the Bank, the receipts granted by the Sub-Treasurer of the Government of Bombay in the manner provided in Section 6 of this Act shall be cancelled, and a certificate, signed by three Directors of the Bank of Bombay, shall be delivered to each proprietor, and any person who is a proprietor of more than one share of the capital stock may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

Directors to deliver certificate to each proprietor for each, or any number of his shares.

VIII. And it is hereby enacted, that no proprietor shall be allowed to increase his share in the capital stock of the said Bank beyond the amount of one lakh and sixty thou-

No proprietor to increase his stock beyond Rs. 1,60,000, except in certain cases.

sand Rupees, excepting on occasion of any increase being made to the capital stock of the said Bank under the authority of the Governor-General in Council, in the manner prescribed in Section 3 of this Act; in which case any proprietor holding stock to the full amount of one lakh and sixty thousand Rupees shall notwithstanding be entitled to subscribe to the increased capital stock in a rateable proportion; and excepting any addition to his interest in the said capital stock arises from succession, bequest or marriage.

Shares to be personal estates, and transferrible by endorsement and registration. Registration to be noted on endorsement.

IX. And it is hereby enacted, that the said share or shares of the capital stock of the said Bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferrible by endorsement to be made on the certificates thereof respectively, under the hand of the proprietor or proprietors, or his, her, or their Attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made; provided that no such endorsement shall be effectual to transfer any such share or shares, until such endorsement shall have been registered at the Bank of Bombay, and such registration shall have been noted on such endorsement, under the hand of an officer appointed for that purpose by the Directors of the said Bank.

The corporation to consist only of the registered proprietors for the time being.

X. And it is hereby enacted, that the said corporate body of the Bank of Bombay shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said Bank, and of no other person or persons whatsoever.

Business of Bank to be managed by nine Directors to be appointed by the Governor in Council and six by the proprietors at a general meeting.

XI. And it is hereby enacted, that the business of the said Bank shall be managed by nine Directors, of whom three shall be appointed and removable by the Governor in Council of Bombay, and the remaining six shall be elected by the General Meeting of the proprietors of the said Bank, and shall be removable by vote of the majority of a general meeting of the said proprietors.

XII. And it is hereby enacted, that the first Directors of the said Bank of Bombay shall be such three persons as may be appointed by the Governor in Council of Bombay to be Directors of the Bank, together with six persons of those whose names are inserted in the schedule annexed to this Act, and who, being entitled to not less than twelve shares or twelve thousand rupees of the capital stock of the said Bank, shall be elected at a general meeting of the persons whose names are inserted in the said schedule, to be held in the Town Hall of Bombay, at such time as the Governor in Council of Bombay may fix by public notification in the Official Gazette of that Presidency; and the election shall be made by the persons who, according to the schedule hereunto annexed, may be entitled to shares of the capital stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of stock respectively held by them, as if they were proprietors to all intents and purposes of the shares for which they are entitled to subscribe, and the Directors so appointed shall appoint officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation; and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes, first vacating, and the next two in the year following, and so in succession in the third year.

Appointment and election of first Directors.

XIII. And it is hereby enacted, that two of the six Directors elected as provided in Section 12, and to be elected by the proprietors, shall in rotation go out of office on the second Monday in the month of December in every year, on which day in every year a general meeting of proprietors shall be held for the election of two Directors in their stead; provided always, that any Director going out by rotation as aforesaid may not be re-elected at the election which takes place thereupon.

Two of the six elected Directors to go out annually by rotation, and not to be re-eligible.

XIV. And it is hereby enacted, that in case of the death, resignation, or absence from Bombay for more than three

In case of death, resignation, or

absence for more than three months, a successor to be elected.

months, or disqualification under Section 15, or removal as aforesaid of any Directors elected as provided in Section 12, or to be elected by the proprietors after the incorporation of the Bank of Bombay, the Directors shall call a general meeting of the proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the same place in rotation above mentioned in which the late Director was.

Director's qualification to be twelve shares.

XV. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the proprietors, who shall not be proprietor in his own right and unincumbered of twelve shares of 12,000 Rupees of the capital stock of the Bank of Bombay; or who shall be a Director of any other Bank issuing notes payable on demand within the Town or Island of Bombay.

Elections and other matters to be decided by a majority of votes.

XVI. And it is hereby enacted, that at a general meeting of the proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such meeting in respect of any share of the said capital stock acquired by transfer or purchase, or otherwise than by the act of law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

Scale of voting.

XVII. And it is hereby enacted, that at all such general meetings the proprietors shall vote according to the following scale :—
The proprietor of 4 shares of 1,000 Rs. shall be entitled to 1 vote,

,,	20	,,	,,	,,	,,	2
,,	40	,,	,,	,,	,,	3
,,	60	,,	,,	,,	,,	4
,,	80	,,	,,	,,	,,	5
,,	120	,,	,,	,,	,,	6
,,	160	,,	,,	,,	,,	7

and no proprietor shall be entitled to more than seven votes.

Governor may vote by proxy, except upon elec-

XVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Bombay to give a proxy in

writing, signed by one of the Secretaries to Government, to any person whom the Governor of Bombay may appoint to attend any general meeting of the proprietors, and that the holder of such proxy shall be entitled to give seven votes upon all matters or questions that may be submitted to such meeting, except upon the election or removal of such Directors as are elected by the said proprietors.

tion or removal of Directors.

XIX. And it is hereby enacted, that any proprietor or proprietors entitled to vote at any general meeting, may give a proxy in writing, either general or special, under his, her, or their hand, or the hand of his, her, or their attorney duly authorized, to any other proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given to vote on such matter or matters as shall be authorized by the tenor of such proxy.

Proprietors may vote at a general meeting by proxy, either general or special.

XX. And it is hereby enacted, that at the first meeting of the Directors in every year, they shall choose a President from among themselves, and if the office of President shall become vacant, they shall, at their next meeting, choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the senior Director shall be Vice-President for the time, and that such President or Vice-President shall have the casting vote in all cases of an equal division of votes at meetings either of Directors or proprietors.

Directors to choose a President from among themselves President to have a casting vote.

XXI. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every meeting of Directors, provided always that nothing herein contained shall be held to preclude any Director from attending any meeting of Directors.

Three Directors at least necessary to form a Board Board to be secured by weekly rotation.

XXII. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal, whereby the

All accounts and instruments except cash notes

to be invalid, unless signed by three Directors.

said Bank can in any manner be bound, except the cash notes of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors, who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors such instrument shall be of no validity.

Directors may appoint and remove officers and fix salaries, but the whole establishment not exceed Rs. 60,000 a year.

XXIII. And it is hereby enacted, that the said Directors shall have power to appoint such officers as may be necessary to conduct the business of the said Bank, and to remove any officer of the said Bank, and to fix the salaries of such officers, provided that the whole expense of the establishment of the said Bank shall not, in any one year, exceed 60,000 Rupees, without authority from the general meeting of the proprietors.

Certain officers to give security in Rs. 50,000, and not to engage in business on their own account, or as agents, or broker.

XXIV. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Bombay, shall engage in any other commercial business, either on his own account, or as agent for any other person or persons, or act as a broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors for the faithful discharge of his duty, in the sum of 50,000 Rupees.

Limitation of the kinds of business in which alone the Bank shall be engaged.

XXV. And it is hereby enacted, that the said Bank of Bombay shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is to say :—

1st. The discounting of negotiable securities.

2nd. The keeping of cash accounts, including the realization of dividends and interest on Government securities to the credit of constituents of the Bank.

3rd. Buying and selling of Bills of Exchange payable in India.

4th. The lending of money on short loans.

5th. The buying and selling of bullion.

6th. The receiving of deposits.

7th. The issuing and circulating of Cash Notes and Bank Post Bills.

8th. The selling of property or securities deposited in the Bank as security for loans and not redeemed, or of property or securities recovered by the Bank in satisfaction of debts and claims.

XXVI. And it is hereby enacted, that the Directors of the said Bank shall discount no negotiable security, and make no loan, unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

Directors not to discount or make loans, unless Bank has cash equal to one-fourth of all claims then payable on demand.

XXVII. And it is hereby enacted, that the Directors of the said Bank of Bombay shall not discount any negotiable securities which shall have a longer period to run than three months, or lend any money for a longer period than three months; and that they shall make no loan or advance on any Bank share or certificate of shares, nor on mortgage, or in any other manner on the security of any lands, houses, or immovable property, nor on any negotiable security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time to any individual, or partnership firm, either by way of discount, loan, or in any other manner, (saving by loans upon the deposit of Government Securities, or goods not perishable as hereinafter mentioned,) beyond the amount of three lakhs of Company's Rupees; provided always that the advances upon Bills of Exchange accepted by the Government or upon other Government obligations, shall not be considered as an advance within the meaning of this restriction.

Bank not to discount nor make loans for longer period than three months; nor to lend beyond 3 lakhs on Bank shares, mortgage, or any security not having on it the responsibility of two individuals or firms—except on Government Securities.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as

No other loans to be made except on deposit

of public securities to the full amount, or of imperishable goods to one-fourth more than the full amount.

are described in the clause next preceding, except on deposit of public securities to the full amount of the loan, and which public securities shall be so endorsed or transferred as to put them at the absolute disposal of the said Bank of Bombay, or on deposit of goods not of a perishable nature, and of estimated value exceeding the amount of the loan by at least one-fourth.

Bank not to be in advance to the Government more than 7½ lakhs.

XXIX. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's Rupees; provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government, or of other Government acceptances or obligations derived to the said Bank from individuals, and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

No person to be allowed to overdraw his account.

XXX. And it is hereby enacted, that the Directors the said Bank of Bombay shall not suffer any person or persons, or body corporate keeping cash with the said Bank of Bombay, to overdraw his, her, or their account.

XXXI. Repealed by Act XIX. 1861.

Bank not to make, &c., any note, &c., payable out of India.

XXXII. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any note, bill, or other instrument containing any promise, undertaking, or order, for the payment of money elsewhere than within the limits of India.

Directors may receive in deposit imperishable goods.

XXXIII. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Bombay to receive in deposit goods not of a perishable kind, and to contract for the safe keeping of the same.

Bank books to be balanced on the 30th June and 31st December in every year.

XXXIV. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in

every year, and that a settlement of the balance on every such day, signed by a majority of the said Directors, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Bombay, and that the Governor in Council of Bombay shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

Governor in Council to be always entitled to require information.

XXXV. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the first day of January and the first day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank, on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half-yearly account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation shall, upon being audited and admitted by the said Directors, be paid out of the funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors; and provided that the said Directors shall have power, when they see fit, to set apart from such profits, a sum not exceeding five per cent. on the capital stock of the Bank as a reserve against contingencies.

An account of profits to be taken half-yearly and dividend to be declared as soon as convenient thereafter. Directors may set apart a reserve of 5 per cent.

XXXVI. And it is hereby enacted, that on the first Monday of the month of August in every year, a general meeting of the proprietors of the capital stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said proprietors a statement of the affairs of the said Bank made up to the preceding 30th of June, and such general meeting shall be competent to pass resolutions and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and officers of the Bank, and on the proprietors thereof until

General meeting to be held on the 1st Monday in August of every year, for submission of statement of affairs and other purposes.

rescinded or modified respectively by any subsequent general meeting.

General meeting may be convened by 3 Directors or 10 proprietors, upon 15 days' notice.

XXXVII. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten proprietors of the capital stock of the said Bank, may at any time convene a general meeting of the proprietors, upon giving fifteen days previous notice of such meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the Official Gazette of Bombay.

Branch Banks may be established with sanction of Governor in Council, but subject to the same provision, &c.

XXXVIII. And it is hereby enacted, that it shall be lawful for the Bank of Bombay, with the sanction of the Governor in Council of Bombay, to establish Branch Banks at such places, and under such rules and restrictions, as shall be determined by the proprietors at their general meetings; provided however that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the proprietors, and to the control and orders of the Directors of the Bank of Bombay, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Bombay by this Act.

Bank may apply dividends of proprietor indebted to it in payment of his debt, and may refuse to register the transfer of his shares till payment of the debts, and after six months from notice given may sell his shares.

XXXIX. And it is further enacted, that if any of the said proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such proprietor registered as his or her own property, and not as held in trust, or as executor or administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such proprietor, or his or her constituted agent, or by public advertisement in the Official Gazette, it shall be

lawful for the said Bank to refuse registration of the transfer of any such share or shares of such proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such proprietor or his or her lawful representative.

Bank not to be dissolved or modified except upon application or consent of the Bank, or previous notice of twelve months. Privileges to be forfeited on suspension of cash payments at any time.

XL. And it is further enacted, that the said Bank shall continue as hereby constituted until the first day of April which will be in the year of our Lord 1847, and shall thereafter continue in like manner until duly dissolved or modified; provided however, that after the said first day of April, 1847, the said Bank shall not, except upon the application or by the consent of the said Bank, be dissolved or any wise modified, without previous notice of twelve months at the least being given to the Directors of the said Bank for the time being, of such intended dissolution or modification. Provided also, that in the event of the said Bank at any time suspending cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

Schedule of the names of the shareholders in the Bank of Bombay.

Ayrton, F., ...	... 14	Brought forward,	... 271
Atkinson, Hugh, ..	.. 5	Ardaseer Byramjee Fuckerjee,	2
Ashburner, Luke,...	... 75	Bagnold, Colonel, M. E.,	... 20
Ashburner, George,	... 75	Bax, John, ...	. 11
Anderson, C. W.,...	... 23	Brown, F. C., ...	.. 23
Aganoor, James, ...	... 1	Bainbridge, J. H.,	.. 75
Arnott, F. S., ...	... 1	Brooks, Colonel G. B.,	... 9
Allan, Wm., ...	... 9	Barr, Colonel D., ...	... 20
Asponkerjee, Dossaboy,	... 1	Barr, H. J., ...	... 3
Atmaram Kesson Bhandaree,...	20	Barr, J. T., ...	... 2
Aga Mohomed Currim,	... 9	Byramjee Muncherjee,	... 1
Aga Mohamed Rahim Serazee,	23	Bonamy, Captain J.,	... 23
Anundrow Vencajee,	... 5	Borradaile, H., ...	... 23
Ardaseer Hormusjee Santook,	1	Baretto, Joao, ...	... 1
Anundrow Ragoonathjee,	... 2	Beck, W. W.. ...	... 1
Anundro Gunput Senoy,	... 2	Ball, H., ...	... 2
Ardaseer Framjee Dawar,	... 5	Bocarro, J. J., ...	... 1
Carried forward,	... 271	Carried forward,	... 168

Brought forward, ...	488
Bird, James, ...	14
Bruce, W. C., ...	9
Brown, F. C., ...	9
Burt, Thomas William, ...	14
Burjojee Manocke Chenæje, ...	2
Bappoo Ragoonath Josey, ...	3
Bhasker, Sunderjee, ...	2
Byramjee Dadabhoy Cursetjilah,	3
Byramjee, Solabajee Guzdeer,...	9
Buchoobhoy Merwanjee, ...	3
Bowany Sunker Ransord Senoy,	2
Romanjee Muncherjee Guzurut,	2
Bhimjee Dhunjee Woomrigur,	9
Caujee Chatoor, ...	14
Cowasjee Manikjee, ...	1
Church, W., ...	50
Cowasjee Narrabhoy, ...	5
Cogan, Captain R., ...	20
Caldecott, John, ...	10
Clibborn, Capt. Thomas, ...	5
Coghlan, W., ...	9
Cardwell, Thomas, ...	10
Collett, L. A., ...	9
Cursetjee Ardaseer, ...	75
Cursetjee Ardaseer, Trustee to his daughter, ...	75
Cursetjee Cowasjee Banajee, ...	50
Cowasjee Manookjee Billiah, ...	1
Cowasjee Manookjee Bhaudoop,	75
Cursetjee Cowasjee Bhadoop, ...	50
Cowasjee Hormusjee Mama, ...	5
Cursetjee Dorabjee, ...	2
Cursetjee Rustomjee, ...	2
Campbell, Major Neil, ...	9
Cowasjee Dhunjee, ...	2
Cursetjee Nasserwanjee, ...	7
Chedanund Dennsejee, ...	1
Cowarjee Eduljee Mody, ...	5
Cristnath Narronjee, ...	9
Cowasjee Framjee, ...	5
Dickenson, Colonel, ...	23
Dadaboy Rutunjee, ...	
Dinshaw Nanabhoy Damon, ...	
Davies, J. M., ...	5
Doveton, Bazett, ...	18
Dhunjeebhoy Cursetjee, ...	5
Davidson, F. M., ...	20
Dossabhoy Framjee Mama, ...	5
Dinshaw Furdonjee, ...	9
DeSilva, Mariana, ...	1
DeJesus, Manoel,... ...	5
Don, James, ...	9
Deos Remedies Ignacio, ...	2
Doorabjee Muncherjee, ...	3
Dossabhoy Merwanjee, ...	5
Dossabhoy Cursetjee Wadia, ...	5
Dossabhoy Jamsetjee, ...	5
Carried forward, ...	1199
Brought forward, ...	1199
DeSilva, Pascoal M., ...	10
Dossabhoy Sorabjee Moonshee,	9
Dossabhoy Jamsetjee Wadia,...	5
Dent, C. R., ...	9
Denhaw Hurmusjee Patell, ...	2
Dhunjeeboy Merwanjee Wadia,	5
Davidson, Duncan, ...	2
Dedshaw Rustomjee, ...	3
Denshaw Dadaboy Gandee, ...	1
Daughters, six, of Framjee Cowasjee, ...	27
Dadabhoy Pestonjee, ...	75
Egan, J. B., ...	9
Elliot, A. W., ...	2
Eisdale, D. A., ...	8
Elliot, G. L., ...	9
Earle, Captain E. M., ...	1
Ennis, Captain E. M., ...	1
Edmond, Wm., ...	18
Eduljee Framjee Coranee, ...	3
Fraser, Simon, ...	70
Framjee Nanabhoy, ...	5
Frith, J. G., ...	24
Fletcher, Alexander, as Trustee of Messrs. Fergusson, Turner and Co., ...	75
Furdonjee Lunjee, ...	10
Framjee Nasserwanjee, ...	9
Framjee Ruttonjee, ...	19
Framjee Cowasjee, ...	67
Foster, Captain Robert, ...	9
Framjee Jewajee Gandena, ...	9
Framjee Muncherjee Colah, ...	9
Framjee Coonverjee, ...	2
Framjee Nasserwanjee Patell,	20
Fearon, Colonel P., ...	23
Framjee Cowasjee, Mrs., ...	14
Fraser, J., ...	18
Fraser, H. B. (C. S.,) ...	14
Gordon, H. G., ...	75
Graham, John, ...	10
Greenhill, David, ...	75
Grey, W. S., ...	45
Gunput Bapsia Bhandaree, ...	7
Gama, J. C., ...	9
Griffith, Colonel J. G., ...	7
Gunputron Sudaseerjee, ...	2
Gordon, Colonel G. T., ...	23
Grandchildren of Framjee Cowasjee, ...	18
Hunter, Walter, ...	29
Hunter, W. F., ...	20
Henderson, Capt. W., ...	50
Henderson, Alex., ...	9
Henderson, Dr., ...	5
Hyslop, J., ...	3
Carried forward, ...	2182

Brought forward, ...	2182
Hurmusjee Perstonjee Bottle-walla, ...	2
Hormusjee Pestonjee, ...	3
Hemson, John, ...	1
Howard, Wm., ...	10
Hormusjee Monockjee Major,...	2
Hutchinson, Frederick, ...	3
Heerjeebhoy Nursungjee, ...	1
Hebbert, W. G., ...	2
Hall, Capt. J. H., ...	1
Hollings, Lieut. G. E., ..	9
Hutt, B. Esq., ...	2
Ironside, Hon'ble Edward, ...	50
Ingle, H., ...	3
Jehangeer Nasserwanjee Wadia,	20
Jameson, Capt. G. J., ...	5
James, Col. C. B., ...	15
Jeejeebhoy Dadabhoy, ...	19
Jeejeebhoy Byramjee, ...	2
Jehangeer Framjee Josawalla,	9
Jehangeer Byramjee, ...	5
Jemetjee Merwanjee Cacah, ...	2
Jaganath Sunkersett, ...	68
Jehangeer Nasserwanjee Wadia, for his sister Soneboy, ...	18
Jemsetjee Burjosjee, ...	1
Jehangeer Framjee Cowasjee,...	9
Jamaidonjee Abbajee, ...	1
Kennett, Capt. V. F., ...	5
Keshow Runsordjee, ...	5
Kennett, Col. B.,... ...	9
Kennedy, R. H., ...	9
Khemchund Hureechund, ...	5
Khemchund Moteechand, ...	23
Luis, Thomas, ...	1
Little, James, ...	10
Lela Mohun Pasta, ...	5
Landon, S., ...	2
Larkins, J. P., ...	23
Lindsay, ...	22
Le Messurier, A. S., ...	9
Langford, J. W., ...	27
Lodwick, Colonel P., .	45
Lowjee Muncherjee Wadia, ..	23
Loyola Ge Ignacio, ..	1
Merwanjee Dadabhoy Wadia,..	14
Malcolm, Capt. Sir Charles, ..	10
Moor, Major G., ...	20
Mackie, Wm., ...	50
Manokjee Nowrojee, ..	10
Morris, W. R., ...	37
Morgan, E. C., ...	75
Madoo Narron, ...	50
Murphy, R. X., ...	14
Manockjee Nasserwanjee Petty	10
Mainwaring, W., ...	6
Carried forward, ...	2955

Brought forward, ..	2955
Mant, G. J., ...	5
Milne, John, Jr., ...	21
McLeod, John, ...	5
McDonald, J. M., ..	25
Muncherjee Framjee Cama, ..	45
Merwanjee Bunjee, ..	5
Merwanjee Hormasjee, ..	5
Muncherjee Burgorjee Mody,..	11
Muncherjee Hormasjee Cama,	11
Merwanjee Khodabux, ..	23
Morgan, Capt. W., ..	18
Manockjee Cursetjee Jewajee,..	9
McCallum, Wm., ...	9
McMahon, Capt. B., ..	9
Mackinlay, Capt. J. H., ..	36
Munro, C. G. G., ...	1
Munmohun Dass Davidass, ..	18
Manockjee Cursetjee, ..	3
Madowrow Rogoonathjee, ..	2
Murray, J., ...	9
Mackenzie, Rebecca, ..	9
Moyle, J. G., ...	9
Malvery, J. J., ...	4
Moyle, Dr. A., ...	9
Manockjee Muncherjee, ..	1
Manockjee Lunjee, ..	5
Merwanjee Framjee, ..	4
Merwanjee Byramjee Luckaree	1
Merwanjee Aspondiarjee, ..	9
Miller, John, ...	45
McLennan, John,... ..	23
Newport, Capt. C., ..	50
Nesserwanjee Eduljee Paruck,	3
Nicol, J. D., ...	25
Nanabhoy Nowrojee, ..	8
Nesserwanjee Nowrojee,	18
Nowrojee Cowasjee,	2
Nainsey Thackersay,	5
Naylor, Capt. C. J.,	2
Norowjee Rustomjee Nadashaw, ...	
Owen, H. F., ...	33
Ogilvie, Col. J., ...	30
Owen, Mrs. H. F., (her Trustees,)	15
Orton, J., ...	14
Ord, Capt. Richard, ..	9
Ottley, W. J., ...	2
Palanjee Pestonjee, ..	9
Pollexfen, George, ..	18
Penley, Capt. G. F., ..	5
Patch, James, ...	61
Patch, John, ...	5
Powell, Col. Thomas, ..	23
Powell, Col. S., ...	18
Pestonjee Framjee, ..	
Carried forward,	3709

Brought forward,	3709
Pestonjee Cursetjee Cama,	2
Pestonjee Dadabhoy Wadia,	8
Pallonjee Dhunjee,	5
Phillips, J. L.,	9
Pestonjee Hormusjee Mama,	5
Pestonjee Hormusjee (Addison,	5
Pestonjee Hormusjee Santook,	1
Preedy, H. W.,	1
Pringle, Capt. A. W.,	9
Poondlick Ramsord Leony,	1
Palonjee Eduljee,	9
Paul, Capt. G. J. C.,	9
Pestonjee Framjee Cowasjee,	9
Pestonjee Rustamjee,	5
Pottinger, Col. Henry,	20
Premjeewan Anoopdass,	18
Pew, Major G. L.,	68
Prinsep, G. A.,	45
Pursotum Dass Pranjeewandas,	27
Richmond, F. R.,	10
Robertson, Col. Archibald,	75
Robertson, Major H. D.,	15
Robertson, Hy. Moires,	23
Roberts, Walter,	10
Ross, John,	18
Ragoonath Crustna Jesoy,	4
Rowland, Capt. J. H.,	23
Rose, Capt. W.,	5
Robson, Thomas,	1
Rustamjee Sorabjee Mody,	1
Ruttunjee Dadabhoy Cola,	51
Ruttunjee Cursetjee,	3
Rogaba Jeemajee,	5
Roganath Hurreechundie,	5
Rogoonath Samoo Senoy,	2
Rustomjee Hormusjee Cama,	1
Reynolds, P. A.,	9
Santokejee Nanabhoy,	5
Spiller, Major W.,	10
Scott, Dr. J.,	5
Spratt, Captain W.,	11
Smason, Captain J.,	21
Skinner, John,	50
Stuart, G. A.,	9
Sorabjee Cowasjee,	9
Sinclair, James,	10
Simson, Wm.,	20
Salter, General James F.,	27
Smyttan, George,	18
Scott, John,	9
Succaram Rogoonath Jasry,	2
Carried forward,	4471

Brought forward,	4471
Sorabjee Rustamjee,	8
Sorabjee Dorabjee,	3
Sapoorjee Sorabjee Patell,	2
Seitz, Mrs. M. A. R.,	1
Seton, Captain Bruce,	9
Saunders, Captain J.,	2
Sorabjee Eduljee Majoma,	2
Sunker Venoo Senoy,	1
Smith, Robert,	50
Saunders, Frederick,	3
Saunckloll Virzoll,	9
Simson, J. B.,	19
Stubbs, W.,	9
Stewart, C. S.,	23
Stewart, Alexander,	5
St. John, Robert,	1
Sutherland, G.,	3
Tarah Suxumah,	5
Taner, Thomas,	4
Turner, Capt. W.,	1
Tarachaund Vassoonjee,	5
Thomson, W.,	27
Truscott, C. H.,	45
Tyler, W. H.,	18
Valiant, Colonel T.,	9
Vaughan, J. Esq.,	18
Venerajee Mirjee,	11
Vebart, John,	18
Wright, J.,	25
Willoughby, J. P.,	25
Wood, Col. E. M.,	20
Wood, Col. E. M. (as Trustee for Mrs. H. Morgan,)	30
Wuckutchund Cooshalchund,	27
Wathen, W. H.,	25
Williamson, Thomas,	38
Whitehill, Colonel Stephen,	18
Wassodew Wissoanathjee,	5
Wittoba Wassodewjee,	1
Watson, H. B.,	3
Watson, J. W.,	9
Wiltshire, Colonel Thomas,	68
Wight, Robert,	9
Ward, Mary Ann,	11
Watkins, F. W.,	5
Wilson, J. H., Captain,	5
Wilson, P. P., Lieut.-Col.,	2
Waddington, Captain C.,	45
Weeks, F. P.,	9
Warden, John,	9
Young, D. A.,	18
	5208

NOTE.—In the event of the death before the first April, 1840, of any individuals in the above Schedule, the shares against their names shall be the property of their estates.

ACT No. IV. OF 1840.

Repealed by Act XVII. 1862.

ACT No. V. OF 1840.

GENERAL

1. *Instead of oath or declaration now in use, Hindoos and Mahomedans may make affirmation. Form of affirmation.*

2, 3. *Repealed.*

4. *Act not to extend to Declaration under Act XXI.* 1837, *nor to Her Majesty's Courts.*

An Act concerning the oaths and declarations of Hindoos and Mahomedans.

I. Whereas obstruction to justice and other inconveniences have arisen in consequence of persons of the Hindoo or Mahomedan persuasion being compelled to swear by the water of the Ganges, or upon the Koran, or according to other forms which are repugnant to their consciences or feelings;

It is hereby enacted, that except as hereinafter provided, instead of any oath or declaration now authorized or required by law, every individual of the classes aforesaid within the territories of the East India Company shall make affirmation to the following effect;

"I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

II. *Repealed by Act XVII.* 1862.

III. *Repealed by Act XVII.* 1862.

IV. And it is hereby provided, that this Act shall not extend to any declaration made under the authority of Act No. XXI. of 1837, nor to any declaration or affirmation made in any of Her Majesty's Courts of Justice.*

* *The words "Her Majesty's Courts of Justice," in this Section do not extend to the Courts of Justices of the Peace See Act II* 1847.

SUPREME COURT.

ACT No. VI. OF 1840.

1. *Acceptance of Bill of Exchange to be deemed a qualified acceptance only where acceptor makes the bill payable at a specific place only, and not otherwise or elsewhere.*

2. *Acceptance not to be sufficient, unless written on the bill or one of its parts.*

3. *Bill accepted supra protest for honor, need not be presented to the acceptor for honor till the day after due date, or the day after that, if he resides at a place other than that at which the bill is made payable.*

4. *Bill expressed to be payable in any place other than place of residence of drawee may be immediately prostested for non-payment in the place in which it was made payable.*

5. *Bill or note made or given for usurious consideration not to be void in the hand of an indorsee for valuable consideration without notice.*

6. *Operation of Act limited to bills or notes governed by the law of England.*

An Act for the amendment of the law concerning the negociation of Bills of Exchange.

Acceptance to be deemed a qualified acceptance, only where acceptor makes the bill payable at a specific place by exclusive words.

1. Whereas it is expedient to extend to the territories under the government of the East India Company the amendments of the law respecting Bills of Exchange contained in the Statutes 58 Geo. 3, Cap. 93.—1 and 2 Geo. 4, Cap. 78.—6 and 7 W. 4, Cap. 58.—2 and 3 W. 4, Cap. 98;

It is hereby enacted, that from and after the first day of May, in the year of our Lord 1840, if any person shall accept a Bill of Exchange payable at any other place than at his own place of residence without further expression in his acceptance, such acceptance shall be deemed and taken to be, to all intents and purposes, a general acceptance. But if the acceptor shall, in his acceptance, express that he accepts the Bill payable at such other place only, and not otherwise or elsewhere, such acceptance shall be deemed and taken to be to all intents and purposes a qualified acceptance of such bill, and the acceptor shall not be liable to pay such bill except in default of payment, when such payment shall have been duly demanded at such other place.

II. And it is hereby enacted, that after the day and year aforesaid, no acceptance of any Bill of Exchange drawn within the territories of the East India Company shall be sufficient to charge any person, unless such acceptance be in writing on such bill, or, if there be more than one part of such bill, on one of the said parts.

Acceptance not to be sufficient, unless written on the bill.

III. And it is hereby enacted, that it shall not be necessary to present Bills of Exchange accepted supra protest for honor, or having a reference thereon in a case of need to the acceptors for honor, or to the referee or referees, until the day following the day on which such Bills of Exchange shall become due, and if the place of address on any such Bill of Exchange of such acceptor or acceptors for honor, or of such referee or referees, be other than where such bill shall therein be made payable, then it shall not be necessary to forward such Bill of Exchange for presentment for payment to such acceptor or acceptors for honor, or referee or referees, until the day following the day on which such Bill of Exchange shall become due.

Bill accepted supra protest for honor need not be presented to the acceptor for honor till the day after due date, or the day after that if he resides at a place other than that at which the bill is made payable.

IV. And it is hereby enacted, that all Bills of Exchange, wherein the drawer or drawers thereof shall have expressed that such Bills of Exchange are to be payable in any place other than the place by him or them therein mentioned to be the place of residence of the drawee or drawees thereof, and which shall not on presentment thereof be accepted, shall or may be, without further presentment to the drawee or drawees, protested for non-payment in the place in which such Bills of Exchange shall have been by the drawer or drawers expressed to be payable, unless the amount owing upon such Bills of Exchange shall have been paid to the holder or holders thereof on the day on which such bill would have become payable had the same been duly accepted.

Bill payable in any place other than residence of drawee may be immediately protested for non-payment in such place.

V. And it is hereby enacted, that no Bill of Exchange or Promissory Note that shall be drawn or made after the passing of this Act shall, though it may have been given for a usurious consideration, or upon a usurious contract, be void

Bill, &c., made for usurious consideration not to be void in the hands of an indorsee for valuable consideration without notice.

in the hands of an indorsee for valuable consideration, unless such indorsee had, at the time of discounting or paying such consideration for the same, actual notice that such Bill of Exchange or Promissory Note had been originally given for a usurious consideration, or upon a usurious contract.

Operation Act limited bills or notes governed by the law of England.

VI. And it is hereby provided, that this Act shall not be construed to extend to affect Bills of Exchange or Promissory Notes in any case which, but for the passing of this Act, would not be governed by the law of England, or to extend or alter the jurisdiction of any of her Majesty's Courts of Justice.

BENGAL.

ACT No. VII. OF 1840.

Courts of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad may assign to uncovenanted persons appointed to the offices of Deputy or Assistant Register any duties of the Register.

An Act for authorizing the appointment of uncovenanted servants to the offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.

It is hereby enacted, that whenever the Governor of Bengal, and the Lieutenant-Governor or other authority exercising the powers of Lieutenant-Governor of the North Western Provinces, shall deem it expedient to appoint any persons not being covenanted servants, to the offices of Deputy Register or Assistant Register to the Court of Sudder Dewanny and Nizamut Adawlut at Calcutta and Allahabad respectively, it shall be competent to those Courts to assign to the officers above named any duties at present performed by their Registers.

ACT No. VIII. OF 1840.

MADRAS.

Award signed by a majority of a Punchayet valid; the minority entitled to record their reasons for declining to sign it.

An Act concerning the signing of awards by the members of Punchayets.

It is hereby enacted that in cases where the minority of the members of a Punchayet, held under the provisions of the Madras Code, may decline to sign the award of the Punchayet, the signature or mark of the majority shall be sufficient to give legal validity to the award. Provided always, that in such cases, it shall be incumbent on such majority to admit the minority to record and attest, by their mark or signature, their reasons for declining to sign or mark the award passed by the majority.

ACT No. IX. OF 1840.

SUPREME COURT.

1 *If witness is objected to on the ground that the verdict or judgment would be evidence for or against him, such witness shall be examined, but such verdict, &c., shall not be used for or against him.*

2. *In trover or trespass de bonis asportatis, and in actions on policies of insurance, interest may be recorded as well as damages.*

3. *If submission contained an agreement that it might be made a rule of Court, the power of the arbitrator not to be revocable without leave.*

4. *A Judge may order witnesses to attend and to produce documents before arbitrator, but witness to be paid conduct-money.*

5. *Arbitrator may administer oaths, &c.*

6. *Operation of Act.*

An Act for amending the law administered in Her Majesty's Courts of Justice with reference to arbitrations, damages, and interested witnesses.

Witness objected to on the ground of interest, shall be examined, but verdict, &c., shall not be so used.

I. Whereas it is expedient to extend to the territories of the East India Company certain provisions of the statute 3rd and 4th William IV. Chap. 42, whereby remedies have been applied for the uncertainty and imperfections heretofore

incident to arbitrations, for the insufficient damages to which injured parties were limited by the technical forms of certain actions, and for the obstruction to justice frequently occasioned by reason of the legal incompetency of witnesses to give evidence, in consequence of having some interest in the event of the suit to which their testimony relates.

It is hereby enacted, that, in order to render the rejection of witnesses on the ground of interest less frequent, if any witness shall be objected to in any of Her Majesty's Courts of Justice as incompetent on the ground that the verdict or judgment in the action on which it shall be proposed to examine him would be admissible in evidence for or against him, such witness shall nevertheless be examined, but in that case a verdict or judgment in that action in favour of the party on whose behalf he shall have been examined shall not be admissible in evidence for him or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined, be admissible in evidence against him or any one claiming under him.

In certain actions, interest may be recorded as well as damages.

II. And it is hereby enacted, that the Court, on the trial of any issue, or on any inquiry of damages, in any suit before any of Her Majesty's Courts of Justice may, if it shall think fit, give damages in the nature of interest over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass *de bonis asportatis*, and over and above the money recoverable in all actions on policies of assurance made after the passing of this Act.

If submission be made a rule of Courts, the power of the arbitrator not to be revoked without leave of Court.

III. And it is hereby enacted, that the power and authority of any arbitrator or umpire appointed by or in pursuance of any rule of Court or Judge's order or order of reference, in any action now brought, or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of Her Majesty's Courts, shall not be revocable by any party to such reference without the leave of the Court by which such

rule or order shall be made, or which shall be mentioned in such submission, or by leave of a Judge, and the arbitrator or umpire shall and may and is hereby required to proceed with the reference, notwithstanding any such revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference, and that the Court, or any Judge thereof may from time to time enlarge the term for any such arbitrator making his award.

IV. And it is hereby enacted, that when any reference shall have been made by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made or which shall be mentioned in such agreement, or for any Judge by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order, and the disobedience to any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators, or by the umpire, before whom the attendance is required, shall also be served either together with or after the service of such rule or order. provided always, that every person whose attendance shall be so required shall be entitled to the like conduct-money and payment of expenses, and for loss of time as for and upon attendance at any trial provided also, that the application made to such Court or Judge for such rule or order shall set forth the place where such witness is residing at, the time, or satisfy such Court or Judge that such person cannot be found: provided also, that no person shall be compelled to produce, under any such rule or order, any writing or other document that he would not be compelled to produce at a trial, or to attend at more than two consecutive days to be named in such order.

A Judge may order witnesses to attend and to produce documents before arbitrator, but witness to be paid conduct-money.

V. And it is hereby enacted, that when in any rule or order of reference, or in any submission to arbitration con-

Arbitrator may administer oaths, &c.

taining an agreement that the submission be made a rule of Court, it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrators or umpire, or any one arbitrator, and he or they are hereby authorized and required, to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath, and if, upon such oath or affirmation, any person making the same shall wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

Operation of Act.

VI. And it is hereby enacted, that this Act shall take effect in Calcutta from the day of its passing, and at Madras and Bombay after the expiration of thirty days from such day, and in the Straits Settlements after the expiration of sixty days from such day.

BENGAL.

ACT No. X. OF 1840.

1. *Repeals certain Regulations regarding pilgrim taxes.*
2. *Superintendence of the temple of Juggernath to continue vested in the Rajah of Khoordah, subject to the recorded rules of the temple and its ancient usage.*
3. *Rajah not to receive, or allow to be received, any but voluntary offerings.*
4. *The Rajah and all priests, &c., to be liable for breach of trust, official misfeasance or extortion.*

An Act for the abolition of certain pilgrim taxes, and for the superintendence of the temple of Juggernath.

Repeals certain Regulations regarding pilgrim taxes.

I. Whereas it is considered proper to abolish the exaction of all taxes or fees upon pilgrims resorting to Allahabad, Gya, and Juggernath, and to transfer the charge of the affairs of the Juggernath temple exclusively to a competent Hindu superintendent, under a full responsibility to the established Courts of Justice, for the redress of any violence or wrong, upon the application of any party interested,

It is hereby enacted, that so much of Section 31, Regulation XII. of 1805, as provides for the continuance of the duties levied from pilgrims at Juggernath;

So much of Section 4, Regulation XXVII. of 1793, as provides for the continuance of the duties levied on pilgrims at Gya and other places of pilgrimage; Reg. IV. of 1806; Reg. V. of 1806; Sec. 9, Reg. VI. of 1808; Reg. IV. of 1809; Sec. 4. Reg. IV. of 1810; Reg. XI. of 1810; Reg. XVIII. of 1810, are repealed.

Superintendence of the temple of Juggernath to continue vested in the Rajah of Khoordah, subject to recorded rules and the ancient usage.

II. And it is hereby enacted, that the superintendence of the temple of Juggernath, and its interior economy, the conduct and management of its affairs, and the control over the priests, officers, and servants attached to the temple shall continue vested in the Rajah of Khoorda for the time being; provided always that the said Rajah and all persons connected with the said temple shall on all occasions be guided by the recorded rules and institutions of the temple, or by ancient and established usage, so far as the same may be consistent with the provisions of this Act.

Rajah not to receive or allow to be received any but voluntary offerings.

III. And it is hereby enacted, that the said Rajah of Khoorda shall not receive, or allow to be received by any person connected with the said temple, any payment, other than such voluntary donations as may be freely offered, from any person resorting to the said temple, for the performance of religious ceremonies.

The Rajah and all priests, &c., to be liable for breach of trust, official misfeasance or extortion.

IV. And it is hereby declared and enacted, that the said Rajah, and all priests, officers, and servants attached to the said temple, are and shall be liable to be sued or prosecuted by any party interested, in any Civil or Criminal Court of competent jurisdiction, for any breach of trust, or official misfeasance, committed in the conduct of their duties, or for any extortion or illegal violence exercised upon pilgrims or others under colour of the authority conveyed by this Act.

BOMBAY.

ACT No. XI. OF 1840.

1. *Modifies Clause 2, Section 45, Regulation XIII. 1827. No prisoner to be forced to labor, or be confined solitarily, unless sentence expressly so directs.*

2, 3. *Repealed.*

An Act for the Presidency of Bombay, amending the law concerning prisoners sentenced to labour or solitude.

I. It is hereby enacted, in modification of Clause 2, Section 45, Regulation XIII. of 1827, of the Bombay Code, that no prisoner confined in any part of the provinces under the Presidency of Bombay shall be forced to labor in any manner or be confined solitarily, unless such labor or solitary confinement be expressly directed by the sentence of the Court under whose warrant he is confined, and no prisoner shall be forced to labor or be confined solitarily otherwise than according to his sentence.

II. *Repealed by Act XVII. 1862.*

III. *Repealed as above.*

ACT No. XII. OF 1840.

Repealed by Act IX. 1848.

SUPREME COURT.

ACT No. XIII. OF 1840.

1. *Extends to the territories of the East India Company in cases governed by English law and within the jurisdiction of Her Majesty's Courts, the Statute 4, Geo. IV. C. 83, as altered by Statute 6, Geo. IV. C. 94 and sets forth those statutes.*

Statute 4, Geo. IV. C. 83.

1. *Persons intrusted with goods for sale and in whose name goods shall be shipped shall be deemed the owners thereof, but so far only as to entitle consignees to a lien thereon.*

2. *Any person may receive Bills of Lading in deposit or pledge from consignee, but shall not acquire any further right than consignee had.*

3. *Owner entitled to recover his goods while in the hands of the agent or of his assignees, or to recover them from any person or his assignees on payment of advances secured on them. Proviso as to factor's bankruptcy.*

Stat. 6, Geo. IV., C. 94.

1. *Any person entrusted with goods for consignment or sale and in whose name such goods shall be shipped, to be deemed the true owner so as to entitle a consignee without notice to a lien thereon for his advances.*

2. *Any person entrusted with and in possession of any Bill of Lading &c. to be taken to be the true owner, so far as to give validity to contracts with any persons not having notice.*

3. *Any person taking without notice such goods in pledge or deposit from any person so entrusted and in possession, to acquire the same rights as the person entrusted and in possession, but no other.*

4. *Contracts in the ordinary course with agent and payments to him to be binding on the owner, notwithstanding notice of agency, provided there was not notice of agent's want of authority to sell.*

5. *Any person may accept goods or documents from factor or agent notwithstanding notice, and shall acquire the rights then possessed by factor or agent, but no other.*

6. *Owner not to be prevented from recovering goods &c. from the factor or agent before sale &c. or from any purchaser the price of such goods, nor from recovering goods from third person on payment of advances secured upon them by both consignee and factor, nor from recovering the balance of the proceeds of sale after deducting aforesaid payments.*

7. *Agent fraudulently applying to his own use any money or instrument borrowed or received on the security of his principal's goods, to be liable to transportation for 14 years.*

8. *Penalty not to extend to agents pledging their principal's goods for a sum not beyond the extent of their own just claim against the principal; acceptances of bills by the agent not to be considered any part of such just claim.*

9. *Penalty not to extend to partner not privy to the offence.*

10. *This Act not to interfere with any remedy at Law or in Equity. Conviction under this Act not to be evidence in any action or suits, nor to be based on evidence obtained from the offender by a compulsory process of any Court of Law or Equity.*

An Act for the amendment of the law regarding factors, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 4, Geo. IV. c. 83, as altered and amended by the Statute 6, Geo. IV. c. 91.

It is hereby enacted, that the Statute of the 4 Geo. IV. c. 83, as altered and amended by the Statute of 6, Geo. IV. c. 94, shall be extended to the territories of the East India Company; provided always, that this Act shall not be construed to affect any case which would not have been governed by the law of England before the passing of the aforesaid Statutes if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statutes hereby extended to the territories of the East India Company are as follows:—

4, Geo. IV., C. 83.

An Act for the better protection of the property of merchants and others, who may hereafter enter into contracts or agreements in relation to goods, wares, or merchandizes intrusted to factors or agents. (18th July, 1823.)

Persons in whose names goods shall be shipped shall be deemed the owners, so as to entitle consignees to a lien thereon, as herein mentioned.

Whereas it has been found that the law, as it now stands, relating to goods shipped in the names of persons who are not the actual proprietors thereof, and to the deposit or pledge of goods, affords great facility to fraud, produces frequent litigation, and proves in its effects highly injurious to the interests of commerce in general; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted for the purpose of sale with any goods, wares or merchandize, and by whom such goods, wares or merchandize shall be shipped, in his, her or their own name or names, or in whose name or names any goods, wares or merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods wares and merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods wares or merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her or them

to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true owner or owners of such goods, wares and merchandize: provided such consignee or consignees shall not have notice, by the Bill of Lading for the delivery of such goods, wares or merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security, in respect of which such lien is claimed, that such person or persons so shipping in his, her or their own name or names, or in whose name or names any goods, wares or merchandize shall be shipped by any person or persons, is or are not the actual and *boná fide* owner or owners, proprietor or proprietors of such goods, wares and merchandize so shipped as aforesaid, any law, usage or custom to the contrary thereof in any wise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares or merchandize are so shipped as aforesaid, shall be taken for the purposes of this Act to have been intrusted therewith, unless the contrary thereof shall appear or be shown in evidence by any person disputing such fact.

Any person may take goods or bill of lading in deposit from consignee, but shall not acquire any further right than consignee possessed.

II. And be it further enacted, that it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any goods, wares or merchandize, or the bill or bills of lading for the delivery thereof, in deposit or pledge from any consignee or consignees thereof: but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title or interest in or upon or to the said goods, wares or merchandize, or any Bill of Lading for the delivery thereof, than was possessed or could or might have been enforced by the said consignee or consignees at the time of such deposit or pledge as a security as aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess and enforce such right, title, or interest, as was possessed and might have been enforced by such consignee or consignees at the time of such deposit or pledge as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

Right of owner to follow his goods while in the hands of his agent, or of his assignees in case of bankruptcy, or to recover them from assignees, &c. upon paying his advances secured upon them, &c.

III. Provided always, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true owner or owners, proprietor or proprietors of such goods, wares or merchandize, from demanding and recovering the same from his, her, or their factor or factors, agent or agents, before the same shall have been so deposited or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her, or their bankruptcy; nor to prevent any such owner or owners, proprietor or proprietors from demanding or recovering of and from any person or persons, or of or from the assignees of any person or persons in case of his or her bankruptcy, or of or from any body or bodies politic or corporate, such goods, wares, or merchandize so consigned, deposited, or pledged, upon repayment of the money or on restoration of the negotiable security or securities, or on payment of a sum of money equal to the amount of such security or securities, for which money or negotiable security or securities such person or persons, his, her, or their assignee or assignees, or such body or bodies, politic or corporate, may be entitled to any lien upon such goods, wares, or merchandize, nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such goods, wares, or merchandize, after deducting thereout the amount of the money or negotiable security or securities so advanced or given upon the security thereof as aforesaid. Provided always, that in case of the bankruptcy of such factor or agent, the owner of the goods so pledged and redeemed as aforesaid shall be held to have discharged *pro tanto* the debt due by him to the bankrupt's estate.

6, Geo. IV. Cap. 94.

An Act to alter and amend an Act for the better protection of the property of merchants and others, who may hereafter enter into contracts or agreements in relation to goods, wares, or merchandizes intrusted to factors or agents.

Factors or agents having goods or merchandize in their possession shall be deemed to be true owners, so as to give validity to contracts with persons dealing bona fide upon the faith of such property.

Whereas an Act passed in the fourth year of the reign of His present Majesty, intituled *an Act for the better protection of the property of merchants and others, who may hereafter enter into contracts or agreements in relation to goods, wares, or merchandize intrusted to factors or agents*: And whereas it is expedient to alter and amend the said Act, and to make further provisions in relation to such contracts or agreements, as hereinafter provided: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present parliament assembled, and by the authority of the same, that from and after the passing of this Act, any person or persons intrusted for the purpose of consignment or of sale, with any goods, wares, or merchandize, and who shall have shipped such goods, wares, or merchandize, in his, her, or their own name or names, and any person or persons, in whose name or names any goods, wares, or merchandize shall be shipped by any other person or persons, shall be deemed and taken to be the true owner or owners thereof, so far as to entitle the consignee or consignees of such goods, wares, and merchandize to a lien thereon, in respect of any money or negotiable security or securities advanced or given by such consignee or consignees to or for the use of the person or persons in whose name or names such goods, wares, or merchandize shall be shipped, or in respect of any money or negotiable security or securities received by him, her, or them to the use of such consignee or consignees, in the like manner to all intents and purposes as if such person or persons was or were the true owner or owners of such goods, wares, and merchandize, provided such consignee or consignees shall not have notice by the Bill of Lading for the delivery of such goods, wares or merchandize, or otherwise, at or before the time of any advance of such money or negotiable security, or of such receipt of money or negotiable security in respect of which such lien is claimed, that such person or persons so shipping in his, her, or their own name or names, or in whose name or names any goods, wares, or merchandize shall be shipped by any person or persons, is or are not the actual and *bonâ fide* owner or owners, proprietor or proprietors,

of such goods, wares, and merchandize so shipped as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding: provided also, that the person or persons in whose name or names any such goods, wares, or merchandize are so shipped as aforesaid, shall be taken, for the purpose of this Act, to have been intrusted therewith for the purpose of consignment or of sale, unless the contrary thereof shall be made to appear by bill of discovery or otherwise, or be made to appear, or be shown in evidence by any person disputing such fact.

Persons in possession of bills of lading, &c., to be the owners, so far as to make valid contracts.

II. And be it further enacted, that from and after the first day of October one thousand eight hundred and twenty-six, any person or persons intrusted with and in possession of any Bill of Lading, India warrant, Dock warrant, warehouse keeper's certificate, wharfinger's certificate, warrant or order for delivery of goods, shall be deemed and taken to be the true owner or owners of the goods, wares, and merchandize described and mentioned in the said several documents hereinbefore stated respectively, or either of them, so far as to give validity to any contract or agreement thereafter to be made or entered into by such person or persons so intrusted and in possession as aforesaid, with any person or persons, body or bodies politic or corporate, for the sale or disposition of the said goods, wares, and merchandize, or any part thereof, or for the deposit or pledge thereof or any part thereof, as a security for any money or negotiable instrument or instruments advanced or given by such person or persons, body or bodies politic or corporate, upon the faith of such several documents or either of them; provided such person, or persons, body or bodies politic or corporate, shall not have notice by such documents, or either of them, or otherwise, that such person or persons so intrusted as aforesaid is or are not the actual and *bonâ-fide* owner or owners, proprietor or proprietors, of such goods, wares, or merchandize, so sold or deposited or pledged as aforesaid, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

III. Provided always, and be it further enacted, that in case any person or persons, body or bodies politic or corporate, shall, after the passing of this Act, accept and take any such goods, wares, or merchandize, in deposit or pledge from any such person or persons so in possession and intrusted as aforesaid, without notice as aforesaid, as a security for any debt or demand due and owing from such person or persons so intrusted and in possession as aforesaid to such person or persons, body or bodies politic or corporate, before the time of such deposit or pledge, then and in that case such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares, or merchandize in deposit or pledge, shall acquire no further or other right, title, or interest in or upon or to the said goods, wares, or merchandize, or any such document as aforesaid, than was possessed or could or might have been enforced by the said person or persons so possessed and intrusted as aforesaid, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, so accepting or taking such goods, wares, or merchandize in deposit or pledge, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such person or persons so possessed and intrusted as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

No person to acquire a security upon goods in the hands of an agent for an antecedent debt beyond the amount of the agent's interest in the goods.

IV. And be it further enacted, that from and after the first day of October one thousand eight hundred and twenty-six, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to contract with any agent or agents, intrusted with any goods, wares, or merchandize, or to whom the same may be consigned, for the purchase of any such goods, wares, and merchandize, and to receive the same of and pay for the same to such agent or agents; and such contract and payment shall be binding upon and good against the owner of such goods, wares, and merchandize, notwithstanding such person or persons, body or bodies, politic or corporate, shall have notice that the person or persons making

Persons may contract with known agents in the ordinary course of business, or out of that course, if within the agent's authority.

and entering into such contract, or on whose behalf such contract is made or entered into, is an agent or agents, provided such contract and payment be made in the usual and ordinary course of business, and that such person or persons, body or bodies, politic or corporate, shall not, when such contract is entered into or payment made, have notice that such agent or agents, is or are not authorized to sell the said goods, wares, and merchandize, or to receive the said purchase money.

Persons may accept and take goods, &c., in pledge from known agents, but in that case shall acquire no further interest than was possessed by such agent at the time of such pledge.

V. And be it further enacted, that from and after the passing of this Act, it shall be lawful to and for any person or persons, body or bodies politic or corporate, to accept and take any such goods, wares, or merchandize, or any such document as aforesaid, in deposit or pledge from any such factor or factors, agent or agents, notwithstanding such person or persons, body or bodies politic or corporate, shall have such notice as aforesaid, that the person or persons making such deposit or pledge is or are a factor or factors, agent or agents; but then and in that case such person or persons, body or bodies politic or corporate, shall acquire no further or other right, title, or interest in or upon or to the said goods, wares or merchandize, or any such document as aforesaid, for the delivery thereof, than was possessed or could or might have been enforced by the said factor or factors, agent or agents, at the time of such deposit or pledge as a security as last aforesaid; but such person or persons, body or bodies politic or corporate, shall and may acquire, possess, and enforce such right, title, or interest as was possessed and might have been enforced by such factor or factors, agent or agents, at the time of such deposit or pledge as aforesaid, any rule of law, usage, or custom to the contrary notwithstanding.

Right of the true owner to follow his goods while in the hands of his agent, or of his assignee in case of bankruptcy, or to recover them from a third person, upon paying his

VI. Provided always, and be it enacted, that nothing herein contained shall be deemed, construed, or taken to deprive or prevent the true owner or owners, or proprietor or proprietors, of such goods, wares, or merchandize, from demanding and recovering the same from his, her, or their factor or factors, agent or agents, before the same shall have been so

sold, deposited, or pledged, or from the assignee or assignees of such factor or factors, agent or agents, in the event of his, her, or their bankruptcy; nor to prevent such owner or owners, proprietor or proprietors, from demanding or recovering of and from any person or persons, body or bodies politic or corporate, the price or sum agreed to be paid for the purchase of such goods, wares, or merchandize, subject to any right of set off on the part of such person or persons, body or bodies politic or corporate, against such factor or factors, agent or agents; nor to prevent such owner or owners, proprietor or proprietors, from demanding or recovering of and from such person or persons, body or bodies politic or corporate, such goods, wares, or merchandize so deposited or pledged, upon repayment of the money, or on restoration of the negotiable instrument or instruments so advanced or given on the security of such goods, wares, or merchandize as aforesaid, by such person or persons, body or bodies politic or corporate, to such factor or factors, agent or agents, and upon payment of such further sum of money, or on restoration of such other negotiable instrument or instruments (if any) as may have been advanced or given by such factor or factors, agent or agents, to such owner or owners, proprietor or proprietors, or on payment of a sum of money equal to the amount of such instrument or instruments; nor to prevent the said owner or owners, proprietor or proprietors, from recovering of and from such person or persons, body or bodies politic or corporate, any balance or sum of money remaining in his, her, or their hands, as the produce of the sale of such goods, wares, or merchandize, after deducting thereout the amount of the money or negotiable instrument or instruments so advanced or given upon the security thereof as aforesaid: provided always, that in case of the bankruptcy of any such factor or agent, the owner or owners, proprietor or proprietors, of the goods, wares, and merchandize, so pledged and redeemed as aforesaid, shall be held to have discharged *pro tanto* the debt due by him, her, or them to the estate of such bankrupt.

advances secured upon them.

In case of bankruptcy of factor, the owner of goods so pledged and redeemed shall be held to have discharged, pro tanto, the debt due from him to bankrupt.

VII. And whereas it is expedient to prevent the impro-

Agents fraudulently pledging

the goods of their principals may be transported, not exceeding 14 years, &c.

per deposit or pledge of goods, wares, or merchandize, or the documents relating to such goods, wares, or merchandize, intrusted or consigned as aforesaid to factors or agents; be it therefore enacted, that if any such factors or agents, at any time from and after the said first day of October, one thousand eight hundred and twenty-six shall deposit or pledge any goods, wares, or merchandize, intrusted or consigned as aforesaid to his or her care or management, or any of the said several documents so possessed or intrusted as aforesaid, with any person or persons, body or bodies, politic or corporate, as a security for any money or negotiable instrument or instruments borrowed or received by such factor or agent, and shall apply or dispose thereof to his or her own use, in violation of good faith, and with intent to defraud the owner or owners of any such goods, wares, or merchandize, every person so offending, in any part of the United Kingdom, shall be deemed and taken to be guilty of a misdemeanour, and being convicted thereof according to law, shall be sentenced to transportation for any term not exceeding fourteen years, or to receive such other punishment as may by law be inflicted on persons guilty of a misdemeanour, and as the Court before whom such offender may be tried and convicted shall adjudge.

Not to extend to cases in which the agent has not made the goods a security for any sum beyond the extent of his own lien.

VIII. Provided always, and be it further enacted, that nothing herein contained shall extend or be construed to extend to subject any person or persons to prosecution for having deposited or pledged any goods, wares, or merchandize, so intrusted or consigned to him, her, or them, provided the same shall not be made a security for or subject to the payment of any greater sum or sums of money than at the time of such deposit or pledge was justly due and owing to such person or persons from his, her, or their principal or principals: Provided nevertheless, that the acceptances of Bills of Exchange by such person or persons drawn by or on account of such principal or principals shall not be considered as constituting any part of such debt so due and owing from such principal or principals within the true intent and meaning of this Act, so as to excuse the consequence of such a deposit or pledge, unless

such Bills shall be paid when the same shall respectively become due.

IX. Provided also, and be it further enacted, that the penalty by this Act annexed to the commission of any offence intended to be guarded against by this Act, shall not extend or be construed to extend to any partner or partners or other person or persons of or belonging to any partnership, society, or firm, except only such partner or partners, person or persons, as shall be necessary or privy to the commission of such offence; anything herein contained to the contrary in any wise notwithstanding.

Act not to extend to partners not being privy to the offence.

X. Provided also, and be it further enacted, that nothing in this Act contained, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall hinder, prevent, lessen, or impeach any remedy at Law or in Equity, which any party or parties aggrieved by any offence against this Act might or would have had or have been entitled to against any such offender if this Act had not been made, nor any proceeding, conviction, or judgment had been had or taken thereupon; but nevertheless, the conviction of any offender against this Act shall not be received in evidence in any action at Law or suit in Equity against such offender: and further that no person shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act, matter, or thing done by him, if he shall at any time previously to his being indicted for such offence have disclosed any such matter or thing on oath, under or in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding, in or to which he shall have been a party, and which shall have been *bonâ fide* instituted by the party aggrieved by the act, matter, or thing, which shall have been committed by such offender aforesaid.

Act not to lessen any remedy at law or equity which the party aggrieved may be entitled to adopt.

SUPREME COURT

ACT No XIV. OF 1840.

1 Extends to India the Stat 9, Geo IV C 11

Stat 9, Geo IV C 11

1 In actions of debt or upon the case, verbal acknowledgment or promise not to be sufficient evidence of a new or continuing contract One contractor not to lose the benefit of the Statutes of Limitations by act of his co-contractor Judgment may be given against one defendant and in favour of others

2 On a plea in abatement of non joinder, if it shall appear that the party not joined was not liable under the Statutes, the issue shall be found against the plea

3 Indorsement or memorandum of payment on the back of any bill, &c shall be deemed proof of such payment

4 Statutes of Limitation to apply to any debt alleged by way of set off

5 Promise made after full age to pay debts contracted during infancy not to be valid unless in writing

6 No action to be brought for representation or assurance not in writing given concerning character, &c of any other person

7 The 17th Section of the Statute of Frauds extended to executory contracts for goods of £10 value or more

8 But any writing made necessary by this Act need not be stamped

An Act for rendering a written memorandum necessary to the validity of certain promises and engagements, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 9, Geo. IV. Cap. 11

It is hereby enacted, that the Statute 9, Geo. IV Cap. 11 shall be extended to the territories of the East India Company, provided always, that this Act shall not be construed to affect any case, which would not have been governed by the Law of England before the passing of the aforesaid Statute if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the territories of the East India Company is as follows (the sum of £10 mentioned therein to be deemed 100 Rupees in the application of the Statute to the aforesaid territories).

9, Geo. IV. Cap. 14.

An Act for rendering a written memorandum necessary to the validity of certain promises and engagements.

9th May, 1828.

Whereas by an Act passed in England in the twenty-first year of the reign of King James the First, it was among other things enacted, that all actions of account and upon the case, other than such accounts as concern the trade of merchandize between merchant and merchants, their factors or servants, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suits, and not after. And whereas a similar enactment is contained in an Act passed in Ireland in the tenth year of the reign of King Charles the First, and whereas various questions have arisen in actions founded on simple contract, as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said enactments; and it is expedient to prevent such questions, and to make provision for giving effect to the said enactments and to the intention thereof; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in this present Parliament assembled, and by the authority of the same, that in actions of debt or upon the case grounded upon any simple contract, no acknowledgment or promise by words only shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the said enactments or either of them, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby, and that where there shall be two or more joint contractors, or executors or administrators of any contractor, no such joint contractor, executor or administrator shall lose the benefit of the said enactments or either of them, so as to be chargeable in respect or by

In actions for debt or upon the case, no acknowledgment shall be deemed sufficient, unless it be in writing or by part payment.

reason only of any written acknowledgment or promise made and signed by any other or others of them. Provided always that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatever. Provided also, that in actions to be commenced against two or more such joint contractors, or executors, or administrators, if it shall appear at the trial or otherwise that the plaintiff, though barred by either of the said recited Acts or this Act, as to one or more of such joint contractors, or executors or administrators, shall nevertheless be entitled to recover against any other or others of the defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the plaintiff as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

Proviso for the case of joint contractors.

Pleas in abatement.

II. And be it further enacted, that if any defendant or defendants in any action on any simple contract shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Acts or this Act, or of either of them, be maintained against the other person or persons named in such plea or any of them, the issue joined on such plea shall be found against the party pleading the same.

Indorsement of payment.

III. And be it further enacted, that no indorsement or memorandum of any payment, written or made after the time appointed for this Act to take effect, upon any Promissory Note, Bill of Exchange, or other writing by or on the behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of either of the said statutes.

Simple contract debts alleged by way of set-off.

IV. And be it further enacted, that the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt on simple contract alleged by way of set-off on the part of any defendant, either by plea, notice, or otherwise.

V. And be it further enacted, that no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon any ratification after full age of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

Confirmation of promises made by infants.

VI. And be it further enacted, that no action shall be brought whereby to charge any person upon or by reason of any representation or assurance made or given, concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money, or goods thereupon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

Representations of character.

VII. And whereas by an Act passed in England in the twenty-ninth year of the reign of King Charles the Second, intitled an Act for the prevention of frauds and perjuries, it is, among other things enacted, that from and after the twenty-fourth day of June one thousand six hundred and seventy-seven, no contract for the sale of any goods, wares, and merchandizes for the price of ten pounds sterling or upwards shall be allowed to be good, except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized: and whereas a similar enactment is contained in an Act passed in Ireland in the seventh year of the reign of King William the Third: and whereas it has been held that the said recited enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied: and it is expedient to extend the said enactments to such executory contracts: be it enacted, that the said enact-

Powers of recited Acts extended to con-

tracts for goods of £10 or upwards

ments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

Memorandum exempted from stamps

VIII. And be it further enacted, that no memorandum or other writing made necessary by this Act shall be deemed to be an agreement within the meaning of any Statute relating to the duties of stamps.

BOMBAY

ACT No. XV. OF 1840.

Extends Regulation XV. 1827 and Regulation XIII. 1830 to the Agents of Foreign Sovereigns having lands &c. in the Bombay Presidency.

An Act for extending Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, to the agents of Foreign Sovereigns.

It is hereby enacted, that the provisions of Regulations XV. of 1827, and XIII. of 1830, of the Bombay Code, be made applicable to the agents of Foreign Sovereigns having lands and possessions in the British territory of the Bombay Presidency, and to guardians and such other individuals as the Governor in Council of Bombay may consider it expedient to invest with the powers contained in the aforesaid Regulations, provided that in all cases the authority conferred shall be revocable at the discretion of the Governor in Council of Bombay.

GENERAL

ACT No. XVI. OF 1840.

1. *Property in the service of offenders under transportation to be vested in person to whom offender is delivered.*

2. *Governor-General in Council may appoint superintendents of convicts, as the person to whom convicts undergoing transportation shall be delivered.*

3. *Governor-General in Council may issue orders touching classification, treatment, and discipline of convicts, and their correction in cases of misbehaviour.*

4. *Persons now under sentence of transportation to be subject to the provisions of this Act.*

An Act concerning the management of convicts transported to places within the territories of the East India Company.

I. Whereas doubts have arisen touching the legal mode of treating convicts transported to places within the territories of the East India Company, and it is expedient to modify the rules which have heretofore been followed with regard to the management of such convicts;

It is hereby declared and enacted, that as soon as any offender shall be delivered to the person or persons, to be appointed by the Governor-General in Council on that behalf, at the place to which he is transported, the property in the service of such offender shall be vested in such person or persons during the term of transportation.

Property in the service of offenders under transportation to be vested in person to whom offender is delivered.

II. And it is hereby declared and enacted, that it shall be lawful for the Governor-General in Council to appoint the governor or other authority at any place within the territories of the East India Company, or to appoint one or more, superintendents at any such place, as the persons to whom convicts undergoing transportation shall be delivered, and in whom the property in the service of such convicts shall be vested as aforesaid.

G. G. in C. may appoint superintendents of convicts, as the persons to whom convicts undergoing transportation, shall be delivered.

III. And it is hereby declared and enacted, that it shall be lawful for the Governor-General in Council to issue orders from time to time to any such Governor, authority, or superintendent, and which orders are hereby required to be duly executed, and to frame rules touching the classification of convicts, their confinement, treatment, and discipline, and touching such moderate correction as may be necessary in cases of misbehaviour and disorderly conduct, and of neglect or dis-

G. G. in C. may issue orders touching classification, treatment, and discipline of convicts, and their correction in cases of misbehaviour.

obedience in the service of those persons in whom the property of such service may be vested as aforesaid.

Persons now under sentence of transportation to be subject to the provisions of this Act.

IV. And it is hereby declared and enacted, that all persons who have heretofore been transported to any place within the territories of the East India Company, and whose terms of transportation are not yet expired, shall be subject to the provisions contained in this Act, and nothing heretofore done with respect to offenders who have been so transported in conformity with the provisions of this Act, or by the orders or with the sanction of Government, shall be called in question in any court of law.

MADRAS.

ACT No. XVII. OF 1840.

Modifies Regulation V. 1831. Penalties for breaches of the Salt Laws may be recovered before Magistrate of the district. Magistrate may proceed in same manner as against persons charged with offences punishable by criminal court. Magistrate not to order fine exceeding 50 Rupees, or imprisonment, with or without labor, exceeding 30 days.

An Act for amending Regulation V. of 1831, of the Madras Code, as far as the same regards penalties for certain breaches of the salt laws.

Whereas great inconvenience has been experienced, in consequence of sending persons accused of petty offences against the salt laws for trial in the criminal courts, who might be more conveniently tried by magistrates as in the case of other offences subject to the same amount of punishment:

It is hereby enacted, in modification of Regulation V. of 1831, of the Madras Code, that *all penalties** prescribed by the Madras Code for any breaches of the salt laws *shall be recoverable before the magistrate* of the district: provided always, that it shall be lawful for any such magistrate before whom any person shall be charged with the commission of any offence

* Modified by Act VII. 1852, which gives powers of adjudication to Head-officers of district Police in certain petty cases.

against the salt laws, at his discretion, to proceed against such person in the same manner as against persons charged with offences, the punishment of which rests with the criminal court; provided also, that no magistrate shall, under the authority of this Act, punish any offender by a fine exceeding 50 Rupees, or by imprisonment with or without labor for a longer period than thirty days.

ACT No. XVIII. OF 1840.

Repealed by Act XIII. 1856.

ACT No. XIX. OF 1840.

Repealed by Act X. 1861.

ACT No. XX. OF 1840.

Superseded by Act XII. 1841, which repeals the Regulation to explain which this Act was passed.

ACT No. XXI. OF 1840.

Expired.

ACT No. XXII. OF 1840.

Repealed by Act XIII. 1856.

No. XXIII. OF 1840.

SUPREME COURTS.

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1. *Process issued by any Court in the mofussil how to be executed within the limits of Her Majesty's Supreme Courts.*

2. *Sheriff to make a memorandum of the date of delivery at the time of delivery, and to execute the process, as if it had issued out of the Supreme Court. Sheriff to make no distinction as to priority between writs, &c., under this Act and other writs, &c.*

3. *No distinction between writs, &c., under this Act and other writs as to Sheriff's liability.*

4. *Persons disobeying, or obstructing execution of process under this Act, to be punishable in the Supreme Courts*

5 *Sheriff to deliver the person seized under process indorsed under this Act to person specified in the indorsement, notwithstanding that such person may be beyond the limits of the Supreme Court's jurisdiction.*

6. *The Judge required to indorse any process may remit the same, if defective, to the authority issuing it*

7. *Judge required to indorse process may direct by indorsement that bail be taken.*

8 *All Civil and Criminal jails within the limits of the Supreme Courts may be used by the Sheriff for the purposes of this Act, and all sentences of imprisonment passed by any mofussil authority may be executed in such jails*

An Act for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by authorities in the mofussil.

Mofussil process how to be executed within the limits of Supreme Courts.

I. Whereas great inconvenience has been experienced, in consequence of the difficulty of procuring the attendance as witnesses before the Mofussil authorities of persons resident within the local limits of Her Majesty's Supreme Courts, and, in consequence of justice being often frustrated by reason of persons and property within such limits being exempted from process, issued by such authorities, which has also occasioned inconvenience to the inhabitants within such limits, in suits in the mofussil Courts to which they are parties ;—

It is hereby enacted, that any writ, warrant, or other process issued by any Court, Judge, or Magistrate in the territories beyond the local limits of the Supreme Courts of Calcutta, Madras and Bombay respectively, may be executed within those limits in manner following.* A copy of such writ, warrant, or other process authenticated as such by the attestation of the Court, Judge, or Magistrate signing or issuing the same, accompanied by a certified translation in the English language, shall be presented to any Judge of Her Majesty's

* The Sheriff's fees for execution of process under this Act are provided for by Act VIII. 1852.

Courts, who may thereupon, under his hand and signature, indorse and direct the same to be executed within the local limits of any of Her Majesty's Courts by the Sheriff, or by any Justice of the Peace according to the nature of such writ, warrant or other process.

Sheriff to make a memorandum of the date of delivery, and to execute the process, as if it had issued out of the Supreme Court. And to make no distinction as to priority.

II. And it is hereby provided, that upon the delivery of every such writ, warrant or process so indorsed as aforesaid to any such Sheriff as aforesaid, every such Sheriff shall make a memorandum of the date of such delivery, and shall execute such writ, warrant or process in like manner as if the same had originally issued from any of Her Majesty's Courts and had been delivered at the date as appearing by the memorandum; and such Sheriff shall make no distinction as to priority or otherwise between the execution of any writ, warrant or other process originally issued from any of Her Majesty's Courts, and the execution of any writ, warrant or other process under this Act. But every writ, warrant and other process, whether original or indorsed as aforesaid, shall, amongst each other, be subject to the same rules touching the mode and order of execution as are now established in respect of writs, warrants, and other process originally issued from Her Majesty's Courts of Justice.

No distinction between Mofussil and other writs as to Sheriff's liability

III. And it is hereby enacted, that every such Sheriff shall be liable to be proceeded against in Her Majesty's Courts of Justice for all matters touching the execution of any writ, warrant or other process executed under this Act, in like manner as if the same had originally issued from any of Her Majesty's Courts of Justice. And all persons and property seized or detained under any writ, warrant or process executed by virtue of this Act shall be dealt with in like manner as if such persons or property had been seized or detained under the like writ, warrant or other process issued from any of Her Majesty's Courts of Justice.

Persons disobeying, &c., process under this

IV. And it is hereby enacted, that all persons disobeying or obstructing the execution of any writ, warrant or other

Act, to be punishable in the Supreme Courts.

process indorsed under this Act, shall be punishable in Her Majesty's Courts of Justice, in like manner as if the same had issued from such Courts; provided always, that in the case of process for the attendance of witnesses, Her Majesty's Courts shall be governed by the like rules touching expenses and other matters as are established in regard to subpœnas issued from such Courts.

Sheriff to deliver the person seized to person specified in the indorsement.

V. And it is hereby enacted, in the case of persons seized or detained by virtue of any writ, warrant or other process executed under the authority of this Act by any Justice of the Peace or by any Sheriff, that it shall be the duty of every such Sheriff or Justice of the Peace, if so required by the indorsement of the Judge, to deliver the party in custody to such authority or persons as shall be particularly specified in such indorsement, and who shall have been charged with the execution of the writ, warrant or other process by the authority originally issuing the same, and for that purpose to cause the party in custody to be conveyed to any place within the Company's territories beyond the local limits of the jurisdiction of Her Majesty's Courts.

The Judge may remit the process, if defective, to the authority issuing it.

VI. And it is hereby provided, that in the case of any writ, warrant of other process required to be indorsed under the authority of this Act, it shall be lawful for the Judge who shall be required to indorse the same, to remit the same for amendment to the authority issuing the same, if the same shall appear to be defective in any matter of form.

Judge may direct by indorsement that bail be taken.

VII. And it is hereby provided, that in the case of any writ, warrant or other process required to be indorsed under the authority of this Act, for the seizure or detention of any person, it shall be lawful for the Judge who shall be required to indorse the same to direct by indorsement that bail (the amount and number of sureties to be specified in such indorsement,) may be taken; and for this purpose to call for such documents and to make such inquiry as he shall think proper.

All Civil and Criminal jails within the limits

VIII. And whereas it is expedient, that offenders sentenced by the mofussil authorities to imprisonment with or

without hard labour, should be subjected to the most improved rules of prison-discipline, which cannot in all cases be conveniently done, except in the prisons locally situate within the jurisdiction of Her Majesty's Supreme Courts, it is hereby enacted, that all civil and criminal gaols and houses of correction within the jurisdiction of any of Her Majesty's Supreme Courts, shall, according to the nature of the case, be liable to be used by the Sheriff for the purposes of this Act, and the parties imprisoned therein under the authority of this Act shall be liable to the prison-discipline thereof, and all sentences of imprisonment passed by any Judge, Court or Magistrate in the territories of the East India Company, beyond the local limits of Her Majesty's Supreme Courts, may be executed in whole or in part within any of the goals or houses of correction aforesaid, provided that a copy of the warrant of commitment, or other process authorizing the imprisonment be so indorsed as aforesaid, and such indorsement contain the necessary directions.

of the Supreme Courts may be used by the Sheriff for the purposes of this Act, and all mofussil sentences may be executed in such jails.

ACT No. XXIV. OF 1840.

Repealed by Act XVI. 1847 and by Act XII. 1852.

ACT No. XXV. OF 1840.

Repealed by Act XXI. 1856

ENGAL.

ACT No. I. OF 1841.

1. *Recites deficiency of existing enactments for the protection of puttee-dars and punctual realization of Government dues.*

2. *Defines the term "putteedaree estate," and explains who is lumberdar and who is putteedar.*

3. *Specifies five modes of duress allowable against certain putteedars.*

4. *If a puttee be knocked down to a stranger, any other putteedar not in arrears may claim right of pre-emption before Collector leaves office.*

5. *Collector to use his powers of duress under such control as may be prescribed.*

6. *The sale of a puttee to be governed by the same rules as the sale of an entire Mehal, except so far as permanent ryots are concerned.*

7. *No member of a sold or transferred puttee to cultivate land therein, without first agreeing in writing to pay rent. If parties cannot agree as to rent, a jury of the neighbourhood to decide.*

8. *A duly certified copy of the Jumma-wasil-bakee and detailed Khutoonee of the tehsildar to be sufficient proof of the arrears due.*

9. *Collector to give possession to purchasers &c., under Reg. VII. 1822, Sec. 23.*

10. *Government entitled to hold all the proprietors and the entire estate responsible for the whole Jumma.*

11. *Governor-General in Council may extend this Act to any such district as he may deem expedient.*

An Act for faciliating the collection of the revenue of Government and defining the interest intended to be conveyed by public sales for the realization of arrears of the public revenue in putteedaree estates.

Recites deficiency of existing enactments for the protection of putteedars and punctual realization of Government dues.

Preamble I. The Regulations in force authorize the application of duress for enforcing the payment of arrears of the public revenue, only against the person and property of the contracting lumberdar, leaving him to proceed against the putteedars by suit or distraint. But with reference to the peculiar nature of these coparcenaries, the existing enactments appear to be insufficient, on the one hand, for the protection of the rights of the putteedars, and, on the other hand, for the punctual realization of the dues of Government. The Regulations are also deficient in not authorizing with sufficient distinctness the sale or transfer of the puttees of defaulting putteedars in put-

teedaree estates, and in not defining the interest intended to be conveyed by public sales of such estates.

Defines the term "putteedaree estate," and explains who is lumberdar and who is putteedar.

II. A putteedaree estate in this Act is held to be an estate which consists of two or more separate portions or puttees, or of which there may be proprietors possessed of separate properties and holding direct of the Government, but not parties in their own names to the contract with the Government for payment of the public revenue. The proprietor who is a party in his own name is called a lumberdar, and the proprietor who is not a party in his own name is called a putteedar.

Five modes of duress allowable against certain putteedars.

III. It is hereby enacted, that the following modes of duress may be enforced against all putteedars whose tenure and interest may have been defined by a settlement formed according to Regulation VII. of 1822, as modified by Regulation IX. of 1833, whether every such putteedar be in sole occupation of his puttee, or hold it in common with others.

1st. Issue of dustucks in the same manner, and under the same limitation, as authorized by the rules in force for lumberdars.

2d. Arrest, detention, imprisonment, distraint and sale of personal property as now authorized to be enforced against lumberdars.

3d. Transfer of the defaulting puttee in perpetuity to the members of any other puttee which may not be in arrear.

4th. Annulment of the settlement as regards the defaulting puttee, and lease thereof to the members of any other puttee which may not be in arrear, or to a stranger for any term not exceeding fifteen years.

5th. Sale of the defaulting puttee by public auction, in which case the members of the remaining puttees who may not be in arrear are authorized to bid.

If a puttee be knocked down to a stranger, any other putteedar not in arrears

IV. And it is hereby enacted, that on occasion of the sale by public auction of any puttee, if the lot shall have been knocked down to a stranger, any putteedar or other member of the

may claim right of pre-emption before Collector leaves office.

coparcenary, not being himself in arrear, may claim to take the said puttee at the sum last bid, provided that the said demand of pre-emption be made on the day of sale and before the Collector shall have left the office, and provided that the claimant fulfil all the other conditions of the sale.

Collector to use his powers of duress under control.

V. And it is hereby enacted, that the above methods be employed by the Collector or other officers vested with the powers of Collector, under such limitation and control as Government or other superior revenue authorities shall see fit to prescribe or enforce.

The sale of a puttee to be governed by the same rules as the sale of an entire Mehal, except as to permanent ryots.

VI. And it is hereby enacted, that the sale of any puttee by public auction, shall be effected, in respect to the notice to be issued, the authority to be obtained, and the mode of conducting the sale, according to the rules prescribed by law from time to time for the sale of an entire Mehal; and the Puttee, after the sale shall have been duly confirmed, shall be the absolute property of the purchaser, save and except the rights of those ryots, whose right to the permanent occupancy of their lands may have been recognized, and the rates of rent payable by whom may have been adjusted and recorded at the last settlement.

No member of a sold or transferred puttee to cultivate land therein without first agreeing in writing to pay rent. If parties cannot agree, a jury to decide.

VII. And it is hereby enacted, that in case of the lease or other temporary transfer of any puttee, as above said, no member of that puttee shall be entitled to cultivate any land therein during the term of such transfer, or in case of absolute sale, no member of the puttee shall be entitled to hold or cultivate any land therein from and after the month of Bysack next succeeding such sale, unless the said member of such sold or transferred puttee shall first execute a written engagement to pay rent to the purchaser or transferree at the rate demanded by the purchaser or transferree. Provided, that it shall be competent to the Collector, subject to the orders of the Commissioner and the Sudder Board of Revenue, if the rate cannot be fixed by private bargain between the parties, to cause the same to be fixed by a jury of the vicinage in the mode directed by Sections 5 to 10, Regulation IX. of 1833.

VIII. And it is hereby enacted, that a copy of the Jumma-wasil-bakee and detailed Khuteonee of the tehsildar signed and sealed by him, and countersigned by the canoongoes and putwarree, exhibiting in detail the amount paid by and arrear due from each puttee, shall be taken to be sufficient evidence of the arrear due from that puttee, and these papers shall invariably be filed with the Collector's proceedings.

A copy of the Jumma - wasil - bakee and detailed Khuteonee to be sufficient evidence of the arrear.

IX. And be it enacted, that the Collector be empowered to give possession to all purchasers and transferrees under this Act in the mode authorized by Clause 3, Section 23, of Regulation VII. of 1822.

Collector to give possession to purchaser

X. And it is hereby enacted, that nothing contained in this Act shall bar the indefeasible right of Government to hold the entire body of proprietors and the entire estate responsible for the amount of the whole jumma, and to enforce the existing Regulations for the transfer or sale of the whole estate, whenever it shall appear to them just and expedient. In every such case it is hereby declared, in modification of Regulation XI. of 1822, that the entire proprietary rights of every member of the coparcenary shall be annulled and forfeited, and the provision of Section 7 of this Act shall be applicable to every member of the coparcenary.

Government may hold the entire estate and all the proprietors liable for the whole Jumma.

XI. And it is hereby enacted, that the Governor General in Council may extend the provisions of this Act to any district, to which, with reference to the nature of the tenures prevalent therein, its extension may be expedient, although no settlement of such district may have been made under Regulations VII. of 1822, and IX. of 1833, and the order of Government shall be sufficient authority for such extension.

G. G. in C. may extend this Act to any district.

ACT No. II. OF 1841.

Repealed by Act XXXV. 1847.

ACT No. III. OF 1841.

Repealed by Act XIII. 1856.

BOMBAY.

ACT No. IV. OF 1841.

1. *All hackney carriages, &c., and boats let to hire to bear on each side a certain number in English and Native figures under penalty of a fine of Rs. 30.*

2. *Numbers to be indicated by Superintendent of Police, and to be withdrawn by order of the Court of Petty Sessions on breach of any provision of this Act.*

3. *Every tecka bearer, boatman, &c., to bear a badge. Penalty, fine of Rs. 20.*

4. *Court of Petty Sessions to settle the rates of hire. Person requiring higher rate than authorized, or refusing authorized fare, if tendered, to be liable to fine of Rs. 20. Same penalty for persons refusing to pay authorized fare.*

5. *Superintendent of Police to keep a register of applicants receiving numbers, and badges; penalty on person wrongfully using such number or badge, fine of Rs. 100.*

6. *Petty Sessions may appoint stands for carriages, and palkees. Penalty for loitering off the stand, Rs. 10.*

7. *This Act not to extend to letting on hire for a month or more.*

8. *Fines to be recovered under Act II. 1839.*

An Act for regulating public conveyances in the Islands of Bombay and Colaba, and the harbour of Bombay.

All carriages, &c., and boats let to hire to bear a certain number in English and Native figures.

I. It is hereby enacted, that all hackney carriages, carts, palankeens and other vehicles let to hire for the purpose of conveying persons or goods within the Islands of Bombay and Colaba, and all boats let to hire for such purpose within the harbour of Bombay shall bear upon them, in manner as directed by the Superintendent of Police, on each side, in large English and Native figures or characters, a certain number to be indicated for every such public conveyance in manner hereinafter mentioned; and every person who shall let out to hire any such public conveyance after the expiration of two months from the day of passing this Act, which shall not bear such number in manner aforesaid, or which shall bear any number not indicated as aforesaid, or after notice as hereinafter mentioned to withdraw the same, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding thirty Rupees.

II. And it is hereby enacted, that the numbers to be used for public conveyances shall be indicated by the Superintendent of Police on application of the owners of such conveyances, and it shall be lawful for the Court of Petty Sessions, on proof of the breach of any provision of this Act by the owner of any such conveyance as aforesaid, to give such owner notice to withdraw the number which may theretofore have been indicated to him in manner aforesaid.

Numbers to be indicated by Superintendent of Police, and to be withdrawn by order of Petty Sessions.

III. And it is hereby enacted, that every teeka bearer, boatman, or other person employed in the conveyance of persons or goods as aforesaid by the owner of any such public conveyance, shall wear, in manner as directed by the Superintendent of Police, a badge on the upper part of his right arm, with the number of the public conveyance to which he belongs, which badge shall be indicated by the said Superintendent; in default whereof, every person so employed and not having such badge as aforesaid shall be liable on conviction before a Magistrate of Police, to a fine not exceeding twenty Rupees.

Every teeka bearer, boatman, &c to bear a badge.

IV. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions from time to time to settle the rates for the hire of such public conveyances as aforesaid, and the rates so settled, if sanctioned by the Governor of Bombay in Council, shall be published twice in the Government Gazette. And after such publication, if the owner or other person in charge of any such public conveyance as aforesaid shall receive or require any higher rate for the hire thereof, or shall refuse a fare upon tender of the prescribed rate, the person or persons on whose application the number of such public conveyance shall have been indicated as aforesaid, or the person receiving or requiring such higher rate or refusing such fare, shall be liable, on conviction before a Magistrate of Police, to a fine not exceeding twenty Rupees. Provided always, that no person shall be deemed to be liable to the penalty in this Section, unless the settled rate of hire shall have been duly tendered. And any person refusing to pay the money due from him for the hire of any such conveyance according

Court of Petty Sessions to settle the rates of hire. Penalty on person requiring higher rate than authorized, or refusing authorized fare if tendered or refusing to pay authorized fine.

to the rate settled as aforesaid, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding twenty Rupees, and no contract for hire under the settled rate shall be valid or binding on any owner of a public conveyance.

Superintendent of Police to keep a register of numbers, and badges. Wrongful use of such number or badge.

V. And it is hereby enacted, that the Superintendent of Police shall keep a register containing a full description of applicants receiving numbers under this Act, and of every conveyance for which any number is obtained, and of every person for whom any badge is obtained, and every offender using or authorizing the use of any number or badge otherwise than for such particular conveyance or person, shall be liable on summary conviction, before the Court of Petty Sessions, to a fine not exceeding 100 Rupees.

Stands for carriages, and palkees Penalty for loitering off the stand, Rs. 10.

VI. And it is hereby enacted, that it shall be lawful for the Court of Petty Sessions, from time to time, to appoint stands for public carriages and palkees. And every person in charge of any carriage or palkee found loitering off any such stand for the purpose of hire, shall be liable on conviction before a Magistrate of Police, to a fine not exceeding ten Rupees.

Act not to extend to letting on hire for a month or more.

VII. And it is hereby provided, that nothing in this Act contained shall extend to prevent any person from letting to hire any conveyance for a month or longer period without any such number being applied for as aforesaid.

Fines to be recovered under Act II. 1839.

VIII. And it is hereby enacted, that all fines imposed by virtue of this Act shall be recoverable in manner provided for by Act II of 18

GENERAL.

ACT No. V. OF 1841.*

1. *The ordinary tribunals may try charges of treason or other crime against the State.*
2. *Any Presidency Government may issue a commission for the trial of such offences with or without a law officer.*

* See Act No. XXIII. 1854.

3. *Such Commissioners to try prisoners in the same manner as the ordinary Courts; but all sentences to be reported before execution.*
4. *In case of death or absence, the remaining Judges to be a Court until the vacancy be filled up.*
5. *The highest Courts to proceed in such cases according to the ordinary rules, but to report their sentences to the Government.*
6. *The Magistrate of the zillah to give notice of such charges to Presidency Government, and to obey its orders.*
7. *This Act not to affect the jurisdiction of the Supreme Courts.*

An Act for the greater uniformity of the process upon trials for state offences, and the amendment of such process in certain cases.

The ordinary tribunals may try charge of crime against the State.

I. Whereas it is expedient that the rules of process for the trials of State offences should be modified with a view to uniformity at the different Presidencies; and whereas some of the rules heretofore in force at particular Presidencies require amendment:—

It is hereby enacted, in modification of all Regulations and parts of Regulations affecting process upon trials for State offences, that it shall be competent for the ordinary tribunals to try charges of treason, rebellion or other crime against the State.

A commission may be issued for the trial of such offences.

II. And it is hereby enacted, that it shall be competent for the Government of any Presidency to issue a commission for the trial of any offences of treason, rebellion or crime against the State, by one or more Judges together with such law officers as shall be required, or without any such officer, according as it may be deemed expedient.

Commissioners to try prisoners in the ordinary manner; but sentences to be reported before execution.

III. And it is hereby enacted, that the Courts convened under such Commissions are to try the prisoners brought before them in the same manner as in trials before the ordinary Courts; and shall exercise all powers and authorities vested in such Courts, except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the highest Court of the East India Company for criminal matters of the Presidency, previous to

carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided by any Regulation of the respective Presidencies, or by any Act of the Governor-General of India in Council, by the special orders which they may receive from the executive Government, or from the highest Court of the East India Company for criminal matters in the Presidency.

In case of death or absence, the remaining Judges to be a Court until the vacancy be filled up.

IV. And it is hereby enacted, that in case of the death, or of the absence from indisposition or other cause, of any of the Judges, or Law Officers of the Courts which may be appointed to try offenders under this Regulation, the remaining Judge or Judges, or Law Officer or Officers, shall be competent to form a Court, and proceed with the trial or trials, until provision can be made by the Government of the Presidency for supplying the place of such Judge or Judges, or Law Officer or Officers, if any such provision shall be deemed necessary; or if no such provision be made, the powers and proceedings of the said Courts shall not be affected by the death or absence of such Judge or Judges, or Law Officer or Officers.

The highest Courts to proceed in such cases according to the ordinary rule, but to report their sentences.

V. And it is hereby enacted, that the highest Courts of the East India Company for criminal matters of the respective Presidencies on the receipt of any trials referred to them under this Act, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are in every instance to report their sentences to the executive Government of the Presidency for the time being; and are to wait the orders of Government for the period of three calendar months before they direct their sentence to be carried into execution.

Magistrate to give notice of such charges to Presidency Government, and to obey orders.

VI. And it is hereby enacted, that the Magistrates of the several zillahs and cities, where any person or persons shall be charged with the crimes mentioned in this Act, shall give immediate notice thereof to the Government of the Presidency to which their several districts or cities belong

and shall pay immediate and strict attention to all orders which may be transmitted to them by their respective Governments for the apprehension of persons charged as aforesaid, or for making any enquiry respecting such persons, or for committing them to take their trials before the ordinary Courts, or before the special Courts described in this Act.

VII. And it is hereby enacted, that this Act shall not be construed to alter or affect the jurisdiction of any of Her Majesty's Supreme Courts of Justice. **Act not to affect the Supreme Courts.**

ACT No. VI. OF 1841.

BENGAL.

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1. *If any person land, or introduce by land, rum or rum shrub, the produce of any foreign country, &c., such rum or rum shrub may be seized or confiscated, unless it come from a district authorized by the Governor-General in Council.*

2. *Owner of rum or rum shrub wishing to have a certificate of origin, how to proceed.*

3. *Certificate to be in Form B, if the rum or rum shrub proceed from an unauthorized district.*

4. *Person shipping rum or rum shrub to the United Kingdom, to produce a certificate to the Collector of Customs, or to subscribe a declaration in Form C.*

5. *Collector to give declarent a certificate in Form D, unless he deem the declaration fraudulent.*

6. *No certificates to be given, unless the rum or rum shrub be the produce of a licensed distillery worked by the European method.*

7. *Rum &c. for exportation to be manufactured pure, without admixture of any substance not the produce of the sugar-cane, or the date, or palm-tree.*

8. *Adulterated rum or rum shrub to be seized and confiscated.*

9. *Penalty for knowingly affirming an untruth in any declaration, the same as for perjury. Officer attesting as true an untrue declaration, to be dismised.*

Schedules.

An Act for prohibiting the importation of rum and rum shrub into the Presidency of Fort William in Bengal.

Rum or rum shrub, the produce of any foreign country, &c., may be seized and confiscated, unless it come from a district authorized.

I. It is hereby enacted, that if any person after the passing of this Act lands or attempts to land, or shall introduce by land in any part of the territories subject to the Government of the Presidency of Fort William in Bengal, any rum or rum shrub, which is the produce of any foreign country, or of any British possession into which foreign sugar or rum can be legally imported, such rum or rum shrub shall be seized by the Collector of the Customs, or by any other officer authorized to seize and detain contraband goods, and shall be brought to confiscation according to the rules in force for confiscating such goods, unless the district in which such rum or rum shrub is landed, or in which an attempt has been made to land such rum or rum shrub, be a district in which the Governor-General of India in Council has authorized the importation of such rum or rum shrub; and it shall be lawful for the Governor-General of India in Council to authorize the importation of such rum and rum shrub into any district of the territories aforesaid by an order in the Official Gazette.

Owner of rum or rum shrub wishing to have a certificate of origin, how to proceed.

II. And it is hereby enacted, that if any owner of rum or rum shrub, the produce of the said territories, or the duly authorized agent of such owner, be desirous to obtain a certificate of origin from the Collector or Assistant Collector of the land or customs revenue of any district within the said territories, or from any other officer appointed by the Governor-General of India in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the Form contained in the schedule hereunto annexed marked A., and to the said declaration shall be appended a certificate to its verity from any Government officer, who may be attached to the distillery where such rum or rum shrub is declared to have been manufactured, in the Form prescribed in the said Schedule A.

Certificate to be in Form B, if the rum shrub pro-

III. And it is hereby enacted, that if the district be one into which the Governor-General of India in Council has not,

by any order, authorized the importation of foreign sugar or rum, or of sugar or rum, the growth or produce of any British possession into which foreign sugar or rum can be legally imported, then the officer before whom such a declaration as is aforesaid shall have been made, shall grant, under his hand and seal, to the declarant a certificate in the Form contained in the Schedule hereunto annexed marked B.

ceed from an unauthorized district

IV. And it is hereby enacted, that every person who intends to ship rum or rum shrub from any place within the said territories for any part of the United Kingdom, shall be entitled to produce to the Collector of Customs at that place, or to any other officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs, a certificate, such as is above described, and also in the presence of the officer to whom he has so produced such certificate to make and subscribe a declaration in the Form contained in the Schedule hereunto annexed marked C.

Any person shipping rum, &c., to the United Kingdom, may produce a certificate as above, and make a declaration in Form C.

V. And it is hereby enacted, that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last mentioned Form shall have been so made and subscribed, shall, unless he see cause to deem such declaration fraudulent and untrue, grant to the person who has made the last mentioned declaration a certificate in the Form contained in the Schedule hereunto annexed marked D.

Certificate in Form D to be then granted.

VI. And it is hereby enacted, that the owner of rum or rum shrub intended for exportation under this Act, or the duly authorized agent of such owner, shall not be entitled to any of the certificates described in this Act, unless such rum or rum shrub shall be the produce of a distillery worked according to law in the European method under license from the Board or other authority vested with the management of the revenue derived from the Abkaree or tax on spirits.

No certificate to be granted unless the rum, &c., be the produce of a licensed distillery.

VII. And it is hereby enacted, that the rum and rum shrub manufactured for exportation to the United Kingdom

Licensed rum, &c., to be manufactured pure.

under this Act at any licensed distillery shall be manufactured pure without admixture of spirits made from rice, grain, or any other substance or substances not being the produce of the sugar-cane or of the date or palm-tree, and shall be so declared and verified at the time of application for a certificate of origin according to the Form of Schedule A.

Adulterated rum, &c., to be confiscated and parties to be proceeded against.

VIII. And it is hereby enacted, that if any rum or rum shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose declaration certificate of manufacture free from adulteration or mixture may have been granted for the admission of such rum or rum shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such declaration, shall be proceeded against for the false and fraudulent declaration as hereinunder prescribed.

Penalty for making or causing to be made or knowingly attaching an untrue declaration.

IX. And it is hereby enacted, that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall on conviction thereof before such Court as would be competent to try such person for perjury, be punished as in cases of perjury; and every person procuring another person to affirm such untruth shall be liable to be punished as in cases of subornation of perjury, and any officer of Government subscribing an attestation to the verity of such declaration, knowing the same to be untrue, shall be subject to a like penalty as the false declarant, besides dismissal from the employment of Government.

SCHEDULE A.

I, A. B. solemnly declare that all the rum or rum shrub hereinunder described is the produce of the licensed distillery named ——— in the district of ———, and that the said rum or rum shrub is the produce of the sugar-cane, date, or palm-tree, and wholly free from any admixture of spirits manufactured from rice, grains, or any other substance whatever.

(Signed) A. B.

The ——— day of ——— 18 —.

* I, B B Government officer in charge on the part of Government of the ——— distillery, do hereby certify that the above is a true and correct declaration

B B
Govt officer attached to the
——— *Distillery*

Description of the ——— *to which the above declaration relates*

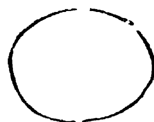
Quantity in Gallons	Quality	Average strength by Sykes's Hydrometer	Number and denomination of Packages	Marks on Packages

(Signed) A B

The ——— day of ——— 18 —
Collector's number ———
Collector's date ——— of ——— 18

(Signed) Y Z *Collector*

Seal of the Collector



SCHEDULE B

I, C D Collector of Land Revenue (or Collector of Customs Revenue or being an officer appointed by the Governor General of India in Council to act in this behalf) for the district of ——— do hereby in conformity with the provisions of Act ——— grant this certificate under my hand and seal, that the rum or rum shrub described in the declaration hereunto annexed, which is sealed with the seal of this office numbered ——— of ——— 18———, dated the ——— of ——— 18 ———, and signed by ——— manager or owner of the licensed distillery called ——— is the produce of the district of ———, and is declared to be free from any admixture of spirits manufactured from other substance than the sugar cane, date or palm tree, and that the importation of foreign sugar and rum and of sugar and rum the growth or produce of any British possessions into which foreign sugar and rum can be legally imported, is prohibited in the said district of ———

L S

This ——— day of ——— 18 ——— (Signed) C D

* This declaration must be drawn out before the rum leaves the distillery in order that the attestation of the Government officer may be attached

SCHEDULE C.

I E F shipper of the rum or rum shrub hereinunder described solemnly declare, that all the rum or rum shrub hereinunder described, is to the best of my knowledge and belief, the same rum or rum shrub to which the certificate now produced by me relates

(Signed) E F

Description of ——— to which this declaration relates

Quantity in Gallons	Quality	Average strength by Sykes's Hydrometer	Number and denomination of Packages	Name of Ship or Vessel	Name of Master of Ship or Vessel

The ——— day of ——— 18 —— (Signed) E F

SCHEDULE D.

I R W Collector of Customs (or being an officer appointed by the Governor General of India in Council to act in this behalf) for the port of ——— certify under my hand and seal, that there has been produced to me by E F the shipper of the rum or rum shrub hereinunder described, a certificate under the hand and seal of C D Collector of Land Revenue (or Collector of Customs Revenue or being an officer appointed by the Governor-General of India in Council to act in this behalf) for the district of ——, in the territories forming part of the Presidency of Fort William or Agra, which certificate certifies that the said rum or rum shrub is of the produce of the said district and is declared to be free from any admixture of spirits manufactured from other substance than the sugar cane, date, or palm tree, and that the importation of foreign sugar and rum or sugar and rum the growth or produce of any British possession into which foreign sugar and rum can be legally imported is prohibited in the said district

L S (Signed) R W

Collector of Customs

The ——— day of ——— 18

Description of the ——— to which the certificate relates

Quantity in Gallons	Quality	Average strength by Sykes's Hydrometer	Number and denomination of Packages	Name of Ship or Vessel	Name of Master of Ship or Vessel

(Signed) R W

Collector of Customs

ACT No. VII. OF 1841.

Repealed by Act X. 1861.

ACT No. VIII. OF 1841.

1. *Person sued at law for money or goods claimed by third party, and wherein he has no interest, may be relieved by the Court in a summary manner or by a feigned issue, provided there is no collusion.*
2. *The decision in either case to be final.*
3. *If the third party claimant does not prosecute his claim, the Court may declare him for ever barred as against the original defendant, but not as against the plaintiff.*
4. *Orders made by a single Judge liable to be rescinded by the Court.*
5. *Proceedings commenced before a single Judge may be referred by him to the Court, but the Court need not proceed thereon de novo.*
6. *The Court may grant the same relief to the Sheriff and other officers executing process where goods are seized by third parties.*
7. *Rules, &c., under this Act to be entered of Record with the date noted in the margin, and to have the force of judgments. Costs directed under them to be recovered by Fi. Fa.*

An Act to enable Her Majesty's Supreme Courts within the territories of the East India Company to give relief against adverse claims made upon persons having no interest in the subject of such claims.

Person sued at law for money or goods claimed by third party and wherein he has no interest, may be relieved by the Court in a summary manner or feigned issue, provided there is no collusion.

I. Whereas it often happens that a person sued at Law for the recovery of money or goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in Equity against the plaintiff and such third party, usually called a Bill of Interpleader, which is attended with expense and delay;

It is hereby enacted, that upon application made by or on the behalf of any defendant sued in any of Her Majesty's Supreme Courts in any action of assumpsit, debt, detinue, or trover, such application being made after declaration and before plea by affidavit or otherwise, showing that such defendant does not claim any interest in the subject matter of the suit, but

that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such defendant does not in any manner collude with such third party, but is ready to bring into Court or to pay or dispose of the subject matter of the action in such manner as the Court (or any Judge thereof) may order or direct, it shall be lawful for the Court, or any Judge thereof, to make rules and orders, calling upon such third party to appear and to state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations as well of such third party as of the plaintiff, and in the mean time to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be plaintiff or defendant on such trial, or with the consent of the plaintiff and such third party, their Counsel or Attornies, to dispose of the merits of their claims, and determine the same in a summary manner, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

Decision in either case to be final.

II. And it is hereby enacted, that the judgment in any such action or issue as may be directed by the Court or Judge, and the decision of the Court or Judge in a summary manner, shall be final and conclusive against the parties and all persons claiming by, from, or under them.

If the third party claimant does not prosecute his claim, the Court may declare him for ever barred as against the original defendant, but not as against the plaintiff.

III. And it is hereby enacted, that if such third party shall not appear upon such rule or order to maintain or relinquish his claim, being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the Court or Judge to declare such third party, and all persons claiming by, from, or under him to be for ever barred from prosecuting his claim against the original defendant, his executors or administrators; saving nevertheless the right or claim of such third party against the plaintiff: and thereupon to make such order between such

defendant and the plaintiff, as to costs or other matters, as may appear just and reasonable.

Orders made by a single Judge liable to be rescinded by the Court.

IV. And it is hereby provided, that every order, to be made in pursuance of this Act by a single Judge not sitting in open Court, shall be liable to be rescinded or altered by the Court in like manner as other orders made by a single Judge.

Proceedings commenced before a single Judge may be referred by him to the Court.

V. And it is hereby enacted, that if upon application to a Judge, in the first instance or in any later stage of the proceedings, he shall think the matter more fit for the decision of the Court, it shall be lawful for him to refer the matter to the Court, and thereupon the Court shall and may hear and dispose of the same in the same manner as if the proceeding had originally commenced by the rule of Court instead of the order of a Judge.

The Court may grant the same relief to the Sheriff and other officers executing process.

VI. And whereas difficulties sometimes arise in the execution of process against goods and chattels issued by or under the authority of the said Courts, by reason of claims made to such goods and chattels by assignees of bankrupts and other persons not being the parties against whom such process has issued, whereby Sheriffs and other officers are exposed to the hazard and expense of actions; and it is reasonable to afford relief and protection in such cases to such Sheriffs and other officers; It is therefore hereby further enacted, that when any such claim shall be made to any goods or chattels taken or intended to be taken in execution under any such process or to the proceeds or value thereof, it shall and may be lawful to and for the Court from which such process issued, upon application of such Sheriff or other officers made before or after the return of such process, and as well before as after any action brought against such Sheriff or other officer, to call before them by rule of Court as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the Sheriff or other officer, all or any of the powers and

authorities hereinbefore contained, and make rules and decisions as shall appear to be just according to the circumstances of the case, and the costs of all such proceedings shall be in the discretion of the Court.

Rules, &c., under this Act to be entered of Record with the date noted in the margin and to have the force of judgments. Costs.

VII. And it is hereby enacted, that all rules, orders, matters and decisions to be made and done in pursuance of this Act, except only the affidavits to be filed, may, together with declaration in the cause, if any, be entered of record with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times if required, and to secure and enforce the payment of costs directed by any such rule or order, and every such rule or order so entered shall have the force and effect of a judgment, except only as to becoming a charge on any lands, tenements, or hereditaments; and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his agent or attorney, execution may issue for the same by *fieri facias* or *capias ad satisfaciendum*, adapted to the case, together with the costs of such entry and of the execution if by *fieri facias*, and such writ or writs may bear teste on the day of issuing the same whether in term or vacation, and the Sheriff or other officer executing any such writ shall be entitled to the same fees, and no more, as upon any similar writ grounded upon a judgment of the Court.

ACT No. IX. OF 1811.

Repealed by Act XXI. 1856.

ACT No. X. OF 1811.

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1. *No ship or vessel to be deemed a British ship unless registered, and certificate of such registry obtained in prescribed Form.*

2. *What ports to be ports of registry. Ships built elsewhere may make their first voyage to such port under temporary certificate. Such ships to be deemed British only during such voyage, unless registered within reasonable time.*

3. *Former Registrars to be Registrars under this Act.*

4. *Registrar to keep a registry book, and to send a copy of every certificate to the Government every month.*

5. *Form of Declaration to be made by owner or majority of owners.*

6. *What further declaration to be made, where the full majority of owners do not attend.*

7. *Previous to grant of certificate, a person appointed by the Government may go on board, and examine and admeasure the ship as to every particular contained in the Form of certificate in presence of the Master; both persons to certify result.*

8. *Rules of measurement as to depth, length, breadth, tonnage, &c.*

9. *Mode of measurement for steam vessels.*

10. *New registry requisite upon every alteration in the cubical contents of engine-room.*

11. *Rules of measurement as to ships having their cargoes on board.*

12. *The register tonnage to be carved in figures on the main beam of every vessel prior to registry.*

13. *Repealed by Act XI.* 1850.

14. *Register tonnage to be ever after deemed the true tonnage, except in case of error in computation, or alteration in form and burthen of ship.*

15. *Penalty for selling, or disposing of, or using for purpose not intended, any certificate of registry, Rs.* 10,000. *Penalty for not delivering up on registration de novo certificate of registry if preserved, Rs.* 5,000. *Penalty for not delivering up certificate of registry on vessel ceasing to be British vessel.*

16. *Every change of Master to be endorsed on certificate of registry, under penalty of* 5,000 *rupees.*

17. *Penalty for wilfully altering, erasing, or concealing, &c., registered name of ship, Rs.* 10,000 *and forfeiture of certificate.*

18. *On application for registry a full particular by the builder as to proper denomination, time, and place of building and tonnage of vessels to be produced, and declared to.*

19. *In case of loss of certificate, ship may be registered de novo. Penalty of Rs.* 5,000 *for not delivering up in such case the former certificate when found.*

20. *Penalty for wilful detention of certificate of registry, Rs* 1,000, *after conviction, ship may be registered de novo.*

21. *Ship to be registered de novo when altered, so as not to correspond with her register, or in case of any change of ownership.*

22. *Copies or extracts of oath or declaration, register, or entry to be evidence without testimony of registering officer.*

23. *Penalty of Rs.* 10,000 *for making false declaration or counterfeiting any written document under this Act.*

24. *Government may issue a pass stating certain particulars to regis-*

tered vessel coming to be owned by Native Prince, or his subject, or originally built within dominions of such Native Prince.

25. *Governor-General in Council to fix fees demandable for certificates and passes.*

26. *Ships to be deemed to belong to the port at which they are registered. Proclamation.*

An Act for prescribing the rules to be observed, in order that ships or vessels belonging to ports within the territories, under the Government of the East India Company, or belonging to Native Princes or States or their subjects, may become entitled to the privileges of British ships under a proclamation of the Governor-General of India in Council, made in pursuance of the Statute 3d and 4th Victoria Ch. 56.

No ship or vessel to be deemed a British ship unless registered, and certificate of such registry obtained in prescribed Form.

I. Whereas by a Statute passed in the 3d and 4th years of Her Majesty Queen Victoria, entitled "An Act to regulate the trade of ships built and trading within the limits of the East India Company's Charter," it is enacted "That it shall be lawful for the Governor-General of India in Council, by proclamation, to declare that all ships or vessels built or to be built within the limits of the Charter of the East India Company, being owned by Her Majesty's subjects for whom the said Governor-General in Council has power to legislate, and belonging, under the Regulations hereinafter provided for, to any ports in the territories under the government of the said Company, shall be deemed to be British ships for all the purposes of trade within the said limits, including the Cape of Good Hope, and the territories and dependencies thereof; provided that upon such declaration being made the said Governor-General in Council shall, and the said Governor-General in Council is hereby accordingly empowered to make Regulations, to be enforced by suitable penalties, concerning the registering, licensing and ascertaining the admeasurement of the tonnage and burden, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas it is further enacted in the same Statute as follows, that is to say, "And whereas it may be expedient to admit to similar privileges and advantages any ships or vessels belong-

ing to Native Princes or States in subordinate alliance with, or having subsidiary treaties with the East India Company, or owned by subjects of any such Princes or States, be it therefore enacted that the Governor-General of India in Council may, by such Regulations as aforesaid, such Regulations being subject as aforesaid, admit to the privileges and advantages of British ships for the purposes of trade within the limits of the Charter of the said Company, including the Cape of Good Hope, and the territories and dependencies thereof, or to any of such privileges and advantages, any ships or vessels belonging to such Princes or States, or any of them, or owned by subjects of any such Princes or States; but any such Regulations shall provide for the granting to such ships or vessels fit and convenient licences or passes, and generally for the trading within the limits aforesaid of such ships or vessels." And whereas in pursuance of such enactments, it is expedient to frame such Regulations as are mentioned therein, the compliance with which shall be required in order that ships or vessels may be deemed British ships, or be admitted to the privileges and advantages of British ships under such proclamation as aforesaid;

It is hereby enacted, that no ship or vessel shall be deemed a British ship under such proclamation as aforesaid (except as regards ships or vessels registered before the passing of this Act, or having a pass at the time of passing thereof) unless the person or persons claiming property therein shall have caused the same to have been registered at some one of the ports hereinafter mentioned within the territories of the East India Company, and shall have obtained a certificate of such registry from the person or persons authorised to make such registry and grant such certificate as hereinafter directed; the form of which certificate shall be as follows:

"This is to certify, that in pursuance of the Act No. X. of 1841 of the Governor-General of India in Council (here insert the names and occupation and residence of subscribing owners) having made and subscribed the declaration required by the said Act and having declared that (he or they) together with (names, occupations and residence of non-subscribing

owners,) (is or are) sole owner or owners, in the proportions specified on the back hereof, of the ship or vessels called the (ship's name) of (place at which the vessel shall be registered) which is of the burthen of (number of tons), and whereof (master's name) is Master, and that the said ship or vessel was (when and where built) and (name and employment of surveying officer) having certified to us, that the said ship or vessel has (number) decks and (number) masts, that her (here insert the measurement as ascertained by the rules hereinafter mentioned) that she is (how rigged) rigged with a (standing or running) bowsprit, is (description of stern) sterned, (carvel or clincher) built, has (whether any or no) gallery, and (kind of head, if any) head: and the said subscribing owners having consented and agreed to the above description, the said ship or vessel called the (name) has been duly registered at the port of (name of port), certified under our hands at the Custom House, in the said port of (name of port), this (date) day of (name of month) in the year (words at length).

(Signed) ———— Collector or Registrar of shipping.

And on the back of such certificate of registry, there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following:

Names of several owners within mentioned.	*Number of shares held by each owner.*
Name	Thirty-two.
Name	Sixteen.
Name	Eight.
	&c. &c."

(Signed) ——— Collector.

What ports to be ports of registry. Ships built elsewhere may make their first voyage to such port under temporary certificate.

II. And it is hereby enacted, that the ports at which registration shall be made, shall be the ports of Calcutta, Madras, Bombay, Singapore, and such other places subordinate to the local Governments of India, as such Governments respectively may from time to time, declare to be registering ports under this Act. Provided, that ships or vessels built at any place other

than any of such ports, shall be allowed to make their first voyage to any of such ports, being the ports at which it is intended they shall be registered under a certificate to be granted by the principal British officer at the place where the ship is built, or if there be no British officer in authority there, then by three merchants of such place, which certificate shall contain all the particulars with regard to the ownership and description of the ships or vessels contained in a certificate of registry, and shall specify the ports at which it is intended that they shall respectively be registered, and which certificate shall have all the effect of a certificate of registry under this Act, during the first voyage from the place of building to the ports at which the ships or vessels respectively shall be afterwards registered. Provided that such ships or vessels, so proceeding on their first voyage as aforesaid, shall be deemed British ships only whilst duly prosecuting such first voyage for the purpose of registry, and if they be not registered within a reasonable time after their arrival at the port of registry, the owner or owners, or Master, or other person having or taking the command or charge of such ship or vessel, shall be liable on information in any Court of Her Majesty or the East India Company by the Advocates-General of the respective Presidencies to a penalty not exceeding 5,000 Rupees.

Former Registrars to be Registrars under this Act.

III. And it is hereby enacted, that the persons authorized to make such registry, and to grant such certificates as aforesaid, shall be the persons now authorized to make registry of ships or vessels under the Statute 3 and 4 W. 4. Ch. 55, and such other or different persons as the local Governments may from time to time appoint for the ports under their respective Presidencies.

Registrar to keep a registry book, and to send a copy of every certificate to the Government every month.

IV. And it is hereby enacted, that at every port where registry shall be made in pursuance of this Act, a book shall be kept by the registering officer, in which all the particulars contained in the form of the certificate of the registry hereinbefore directed to be used shall be duly entered; and every registry shall be numbered in progression, beginning such

progressive numeration at the commencement of each and every year. And such registering officer shall forthwith, or within one month at the furthest, send to the Government of the Presidency to which he is subordinate, a true and exact copy, together with the number of every certificate which shall be by him so granted.

Form of Declaration to be made by owner or majority of owners.

V. And it is hereby enacted, that no registry shall henceforth be made or certificate be granted until the following declaration be made or subscribed before the registering officer, by the owner or major part of the owners of the ship or vessel required to be registered :—

I, A. B., of (place of residence and occupation) do truly declare that the ship or vessel (name) of (port or place) whereof (master's name) is at present Master, being (kind of build, burthen, et cetera, as described in the certificate of the surveying officer) was(when and where) built, and that I the said (A.B.) and the other owners (names and occupations if any and where they respectively reside) am (or are) sole owner (or owners) of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto; and that I the said (A. B.) and the said other owners (if any) am (or are) truly and *bonâ fide* a subject (or subjects) of Her Majesty, for whom the Governor-General of India in Council, has power to legislate, and that no person not being subject as aforesaid, directly or indirectly, hath any share or part interest in the said ship or vessel. Provided that if the registering office shall see occasion to doubt the truth of any of the facts contained in the above declaration, he shall not deem such declaration to be conclusive, but may refuse the registry or certificate, and his discretion exercised in this behalf shall be subject only to an appeal to the local Government to which he is subordinate.

What further declaration to be made where the full majority of owners do not attend.

VI. And it is hereby enacted, that in case the required number of joint owners of any ship or vessel shall not personally attend to make and subscribe the declaration hereinbefore directed to be made and subscribed, then and in such

case such owner or owners as shall personally attend and make and subscribe the declarations aforesaid, shall further declare that the part owner or part owners of such ship or vessel then absent, is or are not resident within twenty miles of such port or place, and hath or have not, to the best of his or their knowledge or belief, wilfully absented himself or themselves in order to avoid the making the declaration hereinbefore directed to be made and subscribed, or is or are prevented, by illness from attending to make and subscribe the said declaration.

Previous to grant of certificate, a person appointed by the Government may admeasure the ship in presence of the Master as to every particular contained in the Form of certificate; both persons to certify result.

VII. And in order to enable the registering officer to grant a certificate truly and accurately describing every ship or vessel to be registered in pursuance of this Act, and also to enable all other officers of customs on due examination, to discover whether any such ship or vessel is the same with that for which a certificate is alleged to have been granted, it is hereby enacted, that previous to the registering or granting of any certificate of registry as aforesaid some one or more person or persons appointed by the local Governments respectively, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building and admeasurement of ships, shall go on board of every such ship or vessel that is to be registered, and shall strictly and accurately examine and admeasure every such ship or vessel as to all and every particular contained in the form of the certificate hereinbefore directed in the presence of the Master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or in his or their absence by the said Master, and shall deliver a true and just account in writing of all such particulars of the build, description, and admeasurement of every such ship or vessel as are specified in the form of the certificate above recited, to the officer authorized to make such registry and grant such certificate of registry as aforesaid; and the said Master or other person attending on the part of the owner or owners is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth there-

of, provided such Master or other person shall consent and agree to the several particulars set forth and described therein.

Rules of measurement as to depth, length, breadth, tonnage, &c.

VIII. And it is hereby enacted, that from and after the commencement of this Act the tonnage of every ship or vessel required by law to be registered shall, previous to her being registered, be measured and ascertained while her hold is clear, and according to the following rule; (that is to say) divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. Depths: at the foremost, the middle, and the aftermost of those points of division, measure in feet and decimal parts of a foot, the depths from the underside of the upper deck to the ceiling at the limber strake. In the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. Breadths: divide each of those three depths into five equal parts and measure the inside breadths at the following points, videlicet, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. Length: at half the midship depth measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost, then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths: add together the upper and lower breadths at the foremost division, three times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division, for the sum of the breadths; then multiply the sum of the depths by the sum of the breadths, and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons of register. If the vessel have a poop or half deck, or a break in the upper deck; measure the inside mean length, breadth and height of such part thereof as may be included within the bulk-head; multiply these three measurements together and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found,

In order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake.

Mode of measurement for steam vessels.

IX. And it is hereby provided, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel. The tonnage due to the cubical contents of the engine room shall be determined in the following manner; that is to say, measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulk-head; then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4; and the quotient shall be deemed the tonnage due to the cubical contents of the engine room.

New registry requisite upon every alteration in the cubical contents of engine-room.

X. And it is hereby provided, that the tonnage due to the cubical contents of the engine room and also the length of the engine room shall be set forth in the certificate of registry as part of the description of the ship or vessel, and, that any alteration of such tonnage due to the cubical contents of the engine room or of such length of the engine room, after registry, shall be deemed to be an alteration requiring registry de novo within the meaning of the said Act for the registering of ships or vessels.

Rules of measurement as to ships having their cargoes on board.

XI. And it is hereby enacted, that for the purpose of ascertaining the tonnage of all such ships, whether belonging to the United Kingdom or otherwise, as there shall be occasion to measure while their cargoes are on board, the following rule shall be observed and is hereby established; (that is to say,) measure, first, the length on the upper deck between the after-part of the stem and the forepart of the sternpost; secondly,

the inside breadth on the underside of the upper deck at the middle point of the length; and, thirdly, the depth from the underside of the upper deck down the pump-well to the skin; multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ships.

Register tonnage to be carved in figures on every vessel, prior to registry.

XII. And it is hereby enacted, that the true amount of the register tonnage of every merchant ship or vessel belonging to the United Kingdom, to be ascertained according to the rule by this Act established in respect of such ships, shall be deeply carved or cut in figures of at least three inches in length, on the main beam of every such ship or vessel, prior to her being registered.

XIII. *Repealed by Act XI.* 1850.

Register tonnage to be deemed the true tonnage except in certain cases.

XIV. And it is hereby enacted, that whenever the tonnage of any ship or vessel shall have been ascertained according to the rules herein prescribed, such account of tonnage shall ever after be deemed the tonnage of such ship or vessel, and shall be repeated in every subsequent registry of such ship or vessel, unless it shall happen that any alteration has been made in the form and burthen of such ship or vessel, or it shall be discovered that the tonnage of such ship or vessel had been erroneously taken and computed.

Penalty for selling, or disposing of, or using for purpose not intended, any certificate of registry Rs. 10,000. Penalty for not delivering up same on registration de novo, or on vessel ceasing to be British vessel, Rs. 5,000.

XV. And it is hereby enacted, that if such certificate as aforesaid shall be sold, lent, or otherwise disposed of to any person or persons whatever other than those for whose use it is granted, or shall be made use of for the service of any other ship or vessel than the ship or vessel for which it is granted, such certificate shall thenceforth be utterly void, and the Master or any owner of the ship or vessel who shall be proved to have sold, lent, or disposed of such certificate or made use of the same as aforesaid, or shall have concurred in or been privy to the committing any such offence, shall be liable upon conviction by information as aforesaid to a penalty not exceeding

10,000 rupees. And in case such ship or vessel shall be lost or taken by the enemy, burnt, or broken up, or otherwise prevented from returning to the port at which she is registered, or shall on any account have lost and forfeited the privileges of a British ship, or shall have been seized and legally condemned for illicit trading, or shall have been taken in execution for debt and sold by due process of law, or shall have been sold to the Crown or the East India Company, or shall under any circumstances have been registered *de novo*, the certificate, if preserved, shall be delivered up, within one month after the arrival of the Master in any port or place in the territories of the East India Company, to the registering officer at such port; in default whereof the Master or any of the owners shall be liable on conviction by information as aforesaid to a penalty not exceeding Rupees 5,000. And if any person, not being such subject as aforesaid, shall purchase or otherwise become entitled to the whole or to any part or share of or any interest in such ship or vessel, and the same shall be within the limits of any port of the territories of the East India Company, then and in such case the certificate of registry shall, within seven days after such purchase or transfer of property in such ship or vessel, be delivered up to the registering officer at such port, and if such ship or vessel shall, be in any place not within the territories of the East India Company when such purchase or transfer of property shall take place, then the certificate shall be delivered up within fourteen days after the arrival of such ship or vessel, or of the Master thereof in any port of the territories of the East India Company, to the registering officer at such port; in default whereof the Master or any of the owners shall be liable on conviction before any Justice of the Peace in a penalty not exceeding 5,000 Rupees, recoverable in manner provided by Act No. II. of 1839.

Every change of Master to be endorsed on certificate under penalty of 5,000 Rs.

XVI. And it is hereby enacted, that when and so often as the Master of any ship or vessel registered in manner hereinbefore directed shall be changed, the Master or owner of such ship or vessel shall deliver to the person or persons hereinbefore authorized to make such registry and grant such

certificates of registry at the port where such charge shall take place, if it be a port within the territories of the East India Company, the certificate of registry belonging to such ship or vessel, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel was last registered pursuant to this Act, who shall likewise make a memorandum of the same in the book of registers which is hereby directed and required to be kept, and shall forthwith give notice thereof in like manner as of the original entry. But if the change do not take place in any port within the territories of the East India Company, then such delivery, memorandum and indorsement shall be made and notice given at the first port within the territories of the East India Company at which the new Master shall arrive after such change. In default of which delivery of the certificate, such new Master or any of the owners shall be liable on conviction before a Justice of the Peace, to a penalty not exceeding 5,000 rupees recoverable as aforesaid.

Penalty for wilfully altering, concealing, &c., registered name of ship, Rs. 10,000 and forfeiture of certificate.

XVII. And it is hereby enacted, that it shall not be lawful for any owner or owners of any ship or vessel, to give any name to such ship or vessel other than that by which she was first registered in pursuance of this Act, and that the owner or owners of all and every ship or vessel which shall be so registered, shall, before such ship or vessel after such registry, shall begin to take in any cargo, paint, or cause to be painted, in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been registered pursuant to this Act, and the port to which she belongs in a distinct and legible manner, and shall so keep and preserve the same, and that if such owner or owners, or Master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wifully alter, erase, obliterate, or in any wise hide or conceal, or cause or

or procure or permit the same to be done, or shall in any written or printed paper, or other document describe such ship or vessel by any name other than that by which she was first registered pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name to any officer or officers of revenue in the due execution of his or their duty, then and in every such case the certificate of registry shall thenceforth become utterly void, and such owner or owners, or Master or other person having or taking the charge or command of such ship or vessel shall be liable on information as aforesaid to a penalty not exceeding 10,000 Rupees.

A full particular by the builder as to proper denomination, time, and place of building and tonnage of vessels to be produced.

XVIII. And it is hereby enacted, that all and every person and persons who shall apply for a certificate of the registry of any ship or vessel, shall and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full particular under the hand of the builder of such ship or vessel, or in case the want of such certificate can be satisfactorily accounted for, then to produce other sufficient evidence of the proper denomination, and of the time when and the place where such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate, that the ship or vessel for which such certificate is required is the same with that which is so described by the builder as aforesaid.

In case of loss of certificate, ship may be registered de novo.

XIX. And it is hereby enacted, that if the certificate of registry of any ship or vessel shall be lost or mislaid, so that the same cannot be found or obtained for the use of such ship or vessel when needful, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship is registered, such officer shall and may, where the certificate shall have been lost or mislaid, permit such ship or vessel to be registered *de novo*, and a certificate thereof to be granted. Provided always that if such ship or vessel be

absent and far distant from the port to which she belongs, or by reason of the absence of the owner or owners, or of any other impediment, registry of the same cannot then be made in sufficient time, such registering officer shall and may grant a license for the present use of such ship or vessel, which license shall, for the time and to the extent specified therein and no longer, be of the same force and virtue as a certificate of registry granted under this Act. Provided always, that if the certificate of registry shall at any time afterwards be found, the same shall be forthwith delivered to the proper officers of Customs to be cancelled, and that no illegal use be made of the same, in default whereof the original certificate and the renewed certificate and license shall thenceforth become utterly void, and any person wilfully detaining the certificate so required to be cancelled, or making any illegal use thereof, shall be liable on conviction before any Justice in a penalty not exceeding 5,000 Rupees recoverable as aforesaid.

Penalty for wilful detention of certificate of registry, Rs. 1,000; after conviction, ship may be registered de novo.

XX. And whereas it is not proper that any person under any pretence whatever should detain the certificate of registry of any ship or vessel, or hold the same for any purpose other than the lawful use and navigation of the ship or vessel for which it was granted, it is therefore hereby enacted, that in case any person who shall have received or obtained, by any means or for any purpose whatever, the certificate of the registry of any such ship or vessel (whether such person shall claim to be the Master or to be the owner or one of the owners of such ship or vessel, or not,) shall wilfully detain and refuse to deliver up the same to the proper officers of Customs, for the purposes of such ship or vessel, as occasion shall require, or to the person or persons having the actual command, possession, and management of such ship or vessel as the ostensible and reputed Master, or as the ostensible and reputed owner or owners thereof, it may and shall be lawful to and for any such last mentioned person to make complaint on oath of such detainer and refusal to any Justice of the Peace, residing near to the place where such detainer and refusal shall be, and on such complaint the said Justice shall and is hereby required by war-

rant under his hand and seal, to cause the person so complained against to be brought before him to be examined touching such detainer and refusal, and if it shall appear to the said Justice, on examination of such person or otherwise, that the said certificate of registry is not lost or mislaid, but is wilfully detained by the said person, such person shall be subject on conviction before such Justice to a penalty not exceeding 1,000 rupees, recoverable as aforesaid, and the said Justice shall, and he is hereby required to certify the aforesaid detainer, refusal, and conviction to the person or persons who granted such certificate of registry for such ship or vessel, who shall on the terms and conditions of law being complied with make registry of such ship or vessel *de novo*, and grant a certificate thereof conformably to law, notifying on the back of such certificate the ground upon which the ship or vessel was so registered *de novo*; and if the person who shall have detained and refused to deliver up such certificate of registry as aforesaid, or shall be verily believed to have detained the same, shall have absconded, so that the said warrant of the Justice cannot be executed upon him, and proof thereof shall be made to the satisfaction of the registering officer of the port at which the ship or vessel was registered, it shall be lawful for the said officer to permit such ship or vessel to be registered *de novo*; or otherwise, in his discretion, to grant a license for the present use of such ship or vessel in like manner as is hereinbefore provided in the case wherein the certificate of registry is lost or mislaid.

Ship to be registered de novo when altered so as not to correspond with her register, or in case of any change of ownership.

XXI. And it is hereby enacted, that if any ship or vessel, after she shall have been registered pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of her registry, or if any alteration shall take place in the ownership of any ship or vessel, or of any share or shares thereof, in such cases such ship or vessel shall be registered *de novo* in manner hereinbefore required, as soon as she returns to the port to which she belongs, or to any other port within the territories of the East India Company, on failure whereof such ship or vessel shall be deemed to be a ship or vessel not

duly registered, and any person making use of a certificate for the purposes of any ship or vessel which has been granted in respect of the same, after the same ought to have been registered *de novo*, shall be liable on conviction before any Justice to a penalty not exceeding 5,000 rupees recoverable as aforesaid.

Copies or extracts of oath or declaration, register, or entry to be evidence, without testimony of registering officer.

XXII. And whereas great inconvenience may arise from the registering officers being served with subpœnas requiring them to bring with them and produce, on trials in Courts of Law relative to the ownership of vessels or otherwise, the declarations required to be taken by the owners thereof prior to the registering thereof, and the books of registry, or copies or extracts therefrom. And whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with: it is therefore hereby enacted, that the registering officer at any port or place, and the person or persons acting for them respectively, shall, upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination any declaration made by any such owner or owners, and also any register or entry in any book or books of registry required, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively, and that the copy and copies of any such oath or declaration, register or entry, shall upon being proved to be true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of any registering officer, or other person or persons acting for them respectively, in all cases, as fully and to all intents and purposes as such originals if produced by any registering officer, or other person or persons acting for them, could or might legally be admitted or received in evidence.

Penalty of Rs. 10,000 for making false declara-

XXIII. And it is hereby enacted, that if any person or persons shall falsely make declaration to any of the matters

hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument so counterfeited, erased, altered, falsified, or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall for every such offence be liable, on conviction upon information as aforesaid, to a penalty not exceeding 10,000 Rupees. And if any such offence be committed by the owner of any ship or vessel, the certificate of such ship or vessel shall thenceforth be wholly void.

tion or counterfeiting any written document under this Act.

XXIV. And it is hereby enacted, that when any ship or vessel duly registered under this Act, or sailing under the British Navigation Law, shall come to be owned by a Native Prince or State or by any subject of such Native Prince or State as aforesaid, it shall be lawful for the Governor of Fort William in Bengal, or for the Governor in Council of any Presidency, to continue to such ship or vessel the privileges and advantages of a British ship for the purposes aforesaid, by a pass to be issued under the Company's seal and subscribed by a Secretary to Government, stating the voyage or voyages for which the same is to have effect, and the period for which it is to last; and it shall be lawful for the Governor of Fort William in Bengal, or the Governor in Council of any Presidency, to issue a similar pass conferring the privileges and advantages of a British ship for the purposes aforesaid under this Act to any ship or vessel built within the dominions of such Native Prince or State, and owned by such Prince or State, or by any of their subjects; provided always, that the ships belonging to Native Princes or States or their subjects, in respect of which passes may be granted under this Act, shall, during the voyage or voyages or the period for which any such pass shall be granted, be commanded by a subject of Her Majesty for whom the Governor-General in Council has power to legislate.*

Government may issue a pass to registered vessel coming to be owned by Native Prince, or his subjects, &c.

* This Section is extended by Act XI. 1850, Sec. 2.

Fees demandable for certificates and passes.

XXV. And it is hereby enacted, that the fees demandable in respect of the granting any certificate or pass under this Act shall be fixed from time to time according to the directions of the Governor-General in Council, but so that the same shall not exceed the amount of fees now payable for registering or granting passes to ships or vessels at the different Presidencies.

Ships to be deemed to belong to the port at which they are registered.

XXVI. And it is hereby declared and enacted, that all ships or vessels registered under this Act shall be deemed to belong to the ports at which they shall be respectively registered. And all ships or vessels being registered, or in respect of which passes may have been granted which are unexpired at the time of passing this Act, shall, for the purpose of being deemed British ships, be deemed to belong to the ports at which they may have been registered, or when passes shall have been granted which are unexpired, at which such passes may have been respectively granted. And such ships or vessels, built and owned as required by the Statute 3 and 4 Vict. Cap. 56, shall continue subject to all the rules in force at the respective Presidencies before the passing of this Act, touching the registering, measurement, granting passes or other requisitions in respect of the same, and shall not be subject to the provisions of this Act, or any provisions of the Statute law, a compliance with which may heretore have been necessary in order that ships or vessels built and owned as aforesaid might be deemed British ships for the purposes of trade.

PROCLAMATION.

The Governor-General of India in Council hereby declares that all ships and vessels, built or to be built within the limits of the Charter of the East India Company (as those limits are defined by the Statute 3d and 4th of Queen Victoria, Cap. 56, entitled "An Act further to regulate the trade of ships built and trading within the limits of the East India Company's Charter,") being owned by Her Majesty's subjects for whom the said Governor-General in Council has power to legislate, and belonging under the provisions of the Act passed

by the Governor-General in Council No. X. of 1841, to any ports in the territories under the government of the East India Company, shall be deemed to be British ships for all purposes of trade within the said limits, including the Cape of Good Hope and the territories and dependencies thereof

ACT No. XI. OF 1841.

GENERAL

1 *All regulations regarding Military Courts of Requests repealed, but not so as to affect jurisdiction of a single officer duly authorized in Madras and Bombay for the trial of small suits in Military bazars*

2 *Personal actions against persons amenable to articles of war for sums not exceeding Rupees 200, cognizable before a Military Court only, provided they do not concern caste or real property*

3 *Commanding Officer to convene Military Courts Courts to consist of not less than three European or native commissioned officers but in the latter case one European officer of five years standing to superintend*

4 *Military Courts to be convened monthly before pay day*

5 *Forms of proceeding to follow usages of Courts Martial Parties to suit may be examined and their attendance may be required or dispensed with Absent parties and witnesses may be examined by commission*

6 *Witnesses not attending, &c, to be tried by Court Martial or by the nearest Criminal Court according as they may be amenable to the Articles of War*

7 *The like provision as to persons interrupting the proceedings of Court*

8 *A record to be kept and transmitted to the Commanding Officer*

9 *No more than Rupees 200 to be recoverable from any one defendant Interest agreed upon may be allowed Contract for debt beyond Rupees 20 to be in writing, unless for goods bought and delivered Period of limitation six years*

10 *Court may proceed in absence of parties on proof of notice*

11 *Commanding Officer may return the proceedings for revision but second decree to be final, except for errors of law Fresh evidence may be received on new trial*

12 *Plaintiff to deliver a written claim to the Station Officer, and such claim to be entered in a schedule, and sent to Adjutants of corps, who shall summon defendants*

13 *Decrees to be published in Station Orders before execution*

14 *Execution of decrees may be general or special subject to the orders of the Commanding Officer*

* Act XI 1850, is to be construed with and as part of this Act

15. *If execution be general, debt may be levied by sale of debtor's goods wherever found; and if sufficient goods cannot be found, the debtor, if not a soldier, may be imprisoned for two months, and his goods if found may be sold subsequently, and, if a soldier, the debt may be deducted from his pay.*

16. *If execution be special, the debt shall be satisfied by stoppage out of pay, but no more than one-half to be stopped from the pay, &c. of any commissioned officer, and one-fourth from any non-commissioned officer or soldier.*

17. *Beyond the frontier, action may be for any amount, subject to appeal to Sudder Court for claims beyond Rupees 200.*

18. *Act not to affect proceedings anterior to 10th of August next.*

An Act for consolidating and amending the Regulations concerning Military Courts of Requests for native officers and soldiers in the service of the East India Company.

All regulations regarding Military Courts of Requests repealed, with certain exceptions.

I. It is hereby enacted, that all Regulations and parts of Regulations concerning Military Courts of Requests are repealed; provided always, that nothing in this Act contained shall be held to alter or affect the jurisdiction of a single officer duly authorized and appointed under the rules in force in the Madras and Bombay Presidencies for the trial of small suits in military bazars at Cantonments and Stations occupied by the troops of those Presidencies respectively, or the trial by punchayet of suits against military persons according to the rules in force under the Madras Presidency.

Personal actions against persons amenable to articles of war for sums not exceeding Rs. 200, cognizable before a Military Court only.

II. And it is hereby enacted, subject to the aforesaid proviso, that within the territories of the East India Company actions of debt and other personal actions against native officers, soldiers and other persons amenable to the Articles of War for the native forces in the military service of the East India Company, or residing within any station or cantonment and carrying on any trade or business in a military bazar, shall be cognizable before a Military Court and not elsewhere, provided the value in question shall not exceed 200 Rupees, and the defendant was a person of the description abovementioned when the cause of action arose, and when the suit was instituted.

Proviso.

Provided that no suit shall be brought before any Military Court under this Act to determine any dispute of caste or concerning any right to real property.

III. And it is hereby enacted, that the Commanding Officer of any station or cantonment, or officer commanding any portion of troops in the field, is authorized to convene such Military Courts. And such Courts shall be composed, according to the orders of the Commander-in-Chief for the time being of the Presidency within which the station or cantonment is situate, or, in the absence of such orders, according to the discretion of the convening officer, either of not less than three European commissioned officers, or of not less than three native commissioned officers, and, in the latter case, with a European officer of not less than five years' standing, to superintend and record the proceedings. Provided that, if there be not a sufficient number of officers to constitute a Court at the station or cantonment where any cause of action may arise, or where the defendant may be residing, the suit shall be determined at the nearest station or cantonment where a Military Court can be duly constituted as aforesaid.

Commanding Officer to convene Military Courts. Courts to consist of not less than three European or native commissioned officers, but in the latter case, one European officer of five years' standing to superintend.

IV. And it is hereby enacted, that such Military Courts shall be convened monthly, and shall be holden on some convenient day before the issue of the pay for each month.

Military Courts to be convened monthly, before pay day.

V. And it is hereby enacted, that the forms of proceeding in every such Court shall be conformable to the usages observed on trials before Courts Martial held for the Native troops in the service of the East India Company, as far as the same are applicable. And any such Court shall have the like power of summoning witnesses as is possessed by Courts Martial. Provided always, that every such Court shall have the power of examining the parties to any suit, and of requiring or dispensing with their attendance at its discretion. And every such Court shall have the like power of taking the examinations of absent parties and witnesses as is possessed by the Civil Courts of the East India Company, under Act No. VII. of 1841; Provided, that the depositions taken under a commission issued by any Military Court of Requests shall be receivable in evidence before any such Court subsequently held: Provided also, that commissions may be issued by Military

Forms of proceeding to follow usages of Courts Martial. Parties to suit may be examined, or dispensed with. Absent parties and witnesses may be examined by commission.

Courts of Requests under this Act pursuant to the provisions of Act No. VII. of 1841, notwithstanding the Courts to which the commissions may be directed are not situate beyond the jurisdiction of such Military Courts.

Witnesses not attending, &c., to be tried by Court Martial or by the nearest Criminal Court.

VI. And it is hereby enacted, that witnesses omitting to attend, refusing to give evidence, or committing perjury, and persons suborning witnesses to commit perjury, shall be tried and punished, if amenable to Articles of War, by a Court Martial, subject to all the rules contained in such Articles of War for the punishment of such offences in regard to trials for Military offences; and if not amenable to Articles of War, they may be tried and punished in the nearest of the Courts of the East India Company for the administration of criminal justice, (whether such Court have ordinarily jurisdiction over such person in criminal matters or not) in like manner as if such offences had been committed in regard to any trial before such nearest Court.

Persons interrupting the proceedings.

VII. And it is hereby enacted, that any person, Civil or Military, European or Native, using menacing words, signs, or gestures, or otherwise interrupting (whether being personally present or not), the proceedings of any Military Court of Requests, shall be punishable, if amenable to Articles of War, by a Court Martial, or if not amenable to Articles of War, in the nearest of the Courts of the East India Company for the administration of criminal justice (whether such Court have ordinarily jurisdiction over such person in criminal matters or not), in like manner as if the offence had been committed in regard to any proceeding of the Court to which it is so referred.

A record to be kept and transmitted to the Commanding Officer.

VIII. And it is hereby enacted, that a record shall be kept of proceedings in every case tried before any Military Court of Requests. And such record shall contain the substance of the evidence given, and the nature of such evidence as may have been rejected on the ground of its not being legally admissible, or relevant, or on other grounds, and the

same shall be signed by the Members of the said Court. And such record or a copy thereof shall, with as little delay as is practicable, after the conclusion of the proceedings, be transmitted by the European President or superintending officer of every such Court, to the Officer commanding the station or cantonment.

Only Rs. 200 to be recoverable from any one defendant. Interest agreed upon may be allowed Contract for debt beyond Rs. 20 to be in writing, unless for goods bought and delivered. Period of limitation six years.

IX. And it is hereby enacted, that where a demand shall exceed the amount of 200 rupees, or where several separate demands shall exceed such amount, no more shall be recoverable from any one defendant by the same plaintiff or plaintiffs than the sum of 200 Rupees only—and the judgment in respect of any demand in a Court of Requests shall be a bar to the recovery of the same demand or of any other or further demand for the same cause of action in any other Court whatever, provided that the liability accrued before the time of instituting the suit in the Military Court—and it shall be competent for every such Military Court to investigate any counter-claim alleged by any defendant. And it shall be competent for every such Military Court to allow the interest for money agreed on between the parties, provided the same does not exceed the usage of the country in ordinary money transactions. And every contract made after the passing of this Act, upon which a demand for debt exceeding 20 Rupees is founded, not being money due for goods bought and delivered, shall be in writing and expressed in the language of the defendant and signed by him, or on his behalf by some other person than the plaintiff. Provided that, it shall not be competent to any Court of Requests to admit any suit for a debt which has accrued upwards of six years, unless a direct promise to pay made within six years of the commencement of the suit be proved.

Court may proceed in absence of parties on proof of notice.

X. And it is hereby enacted, that on failure of either of the parties to a suit to attend, either personally or by representative, or to produce his witnesses, according as he shall be required by any Military Court of Requests, such Court, on being satisfied that the party has been duly apprized of what is required of him, may proceed to the termination of the suit

in his absence. And if the decree in any such case shall be against the plaintiff, it shall not be competent for him to commence a new suit for the same cause of action.

Commanding Officer may return the proceedings for revision, but second decree to be final except for errors of law.

XI. And it is hereby enacted, that it shall be lawful for the Commanding Officer to whom the proceedings have been transmitted as aforesaid to return the same for revision either by the same or another Military Court of Requests. And in every such case the second decree shall be final, unless for error in points of law, when the same shall be transmitted to the Commander-in-Chief, who shall have power to annul the proceedings without prejudice to any future suit. Provided always, that in the case of any new trial the Court may receive evidence which was not adduced at the first trial.

Plaintiff to deliver a written claim to the station officer. Such claim how to be dealt with.

XII. And it is hereby enacted, that every plaintiff shall prefer his claim in writing, and shall deliver the same to the Station Staff-Officer. The claims shall be entered in a Schedule by the Station Staff-Officer, which schedule is to be sent to Adjutants of corps or heads of departments two days at least before the assembly of the Court, and the Adjutants or heads of departments shall be responsible that the defendants belonging to their respective Corps or establishments have been duly summoned.

Decrees to be published in station orders before execution.

XIII. And it is hereby enacted, that every decree of any Military Court of Requests shall be published in the Station Orders before the same is executed.

Execution may be general or special, subject to orders of Commanding Officer.

XIV. And it is hereby enacted, that the execution of decrees of Military Courts of Requests may be either general or special, according to the sentence of the Court. Provided always, that the Commanding Officer may, notwithstanding the direction of the Court, order that the execution shall be general or special at his discretion.

If execution be eneral, debt ow to be levied.

XV. And it is hereby enacted, that in cases in which the execution is to be general, the debt, if not paid forthwith,

shall, under the authority of the Commanding Officer in writing to be signed by him, be levied by seizure and public sale of such of the debtor's goods (under which term are included houses or other erections within the limits of stations and cantonments) as may be found within the limits of the station or cantonment, or elsewhere; and if sufficient goods are not to be found, the debtor, if not a soldier, shall be arrested and imprisoned in any civil gaol near to the station or cantonment, (for which purpose the provisions of Act No. II. of 1840 shall be applicable) or in any other convenient place of confinement situate within the limits of the station or cantonment for the space of two months, unless the debt be sooner paid, and his goods, if found within the limits of the station or cantonment or elsewhere at any subsequent time, shall be liable to be seized and sold in satisfaction of the debt. And if the debtor be a soldier and the debt be not liquidated by sale of his effects, (accoutrements and necessaries excepted,) an order may be issued for payment of the residue by monthly deduction from the pay issued to the debtor under the rules which follow.

If execution be special, the debt shall be satisfied by stoppage out of pay, but within limits.

XVI. And it is hereby enacted, that where the execution is to be special, the debt shall be satisfied out of the pay and allowances of the debtor, and not otherwise. And a certificate of the decree and direction or order thereon, certified under the hand of the Commanding Officer and signed by him, shall be a sufficient authority for making such stoppages. Provided always, that no more than one-half of the pay and allowances of any commissioned officer, or than one-fourth of the pay and allowances of any non-commissioned officer or soldier shall be stopped in any one month.

Beyond the frontier, action may be for any amount, subject to appeal to Sudder Court for claims beyond Rs. 200.

XVII. And it is hereby enacted, that in places beyond the frontier of the territories of the East India Company, actions of debt and other personal actions may be brought before such Military Courts as aforesaid against persons so amenable as aforesaid for any amount of demand: Provided, that such Military Courts beyond the frontier shall be con-

posed of European Officers—and provided, that if the amount of claim shall exceed 200 Rupees an appeal shall lie to the Court of Sudder Adawlut of the nearest Presidency according to the rules in force with regard to appeals from subordinate Civil Courts.

Act not to affect proceeding anterior to 10th of August next.

XVIII. And it is hereby enacted, that this Act shall not affect the proceedings upon any suit heretofore commenced or which shall be commenced before the tenth day of August next.

ACT No. XII. OF 1841.

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1. *Rescinds certain Regulations.*
2. *Interest or penalty not to be demanded on arrears of land revenue*

An Act for amending the Bengal Code in regard to sales of land for arrears of Revenue.

I. Whereas it is deemed expedient, with a view to the benefit of the agricultural community, to regulate the number of periodical sales of estates for arrears of Revenue; to discontinue the levy of interest and penalty upon such arrears; to provide for the sale at fixed and known periods of Mehals, the whole of the land revenue due from which may not have been discharged on or by appointed days; and otherwise to amend the laws for the realization of the land revenue;—

It is hereby enacted, that Section 2, Regulation XIV. 1793; Section 2, Regulation III. 1794; Regulation XI. 1822, except Sections 36 and 38, and Regulation VII. 1830 are rescinded, except in so far as they rescind other Regulations or parts of Regulations.

II. And it is hereby enacted, that there shall be no demand of interest or penalty upon any arrear of land revenue which shall fall due after the date specified in Section 35, of this Act.

III. —— XXXIV. *Repealed by Act I.* 1845, *Sec.* 1.

XXXV. And it is hereby enacted, that this Act shall have effect on and after the first day of January, 1842.

ACT No. XIII. OF 1841.

Import duty on wine and spirits to be settled on quantities registered at time of importation. Warehouse-keeper in accounting with the Customs Department, to be allowed ullage at the rate of 10 per cent. for one year, &c.

An Act for explaining the provisions of Act No. XXV. of 1836.

It is hereby declared and enacted, that the import duty on wine and spirits in casks shall be settled on the quantities registered at the time of importation without any deduction whatsoever: Provided always, that the keeper of every warehouse indicated by Act No. XXV. of 1836, shall, in accounting with the Customs Department for the article so warehoused, be allowed ullage on such wine and spirits at the rate of 10 per cent. for one year according to the time for which such wine and spirits shall have been lodged.

ACT No. XIV. OF 1841.

Repealed by Act XIV. 1856.

ACT No. XV. OF 1841.

CALCUTTA.

Repeals Section 7, of Regulation IX. of 1819.

An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.

Whereas great inconvenience has been experienced by residents within Calcutta by reason of their being obliged to give security in suits in the Mofussil Courts, under Regulation IX. of 1819, Section 7. And whereas there is no occasion for

requiring such security now that, by Act No. XXIII. of 1810, property within Calcutta is liable to be seized under the process of the Mofussil Courts;—

It is hereby enacted, that Section 7, Regulation IX. of 1810, of the Bengal Code, is hereby repealed.

GENERAL

[illegible]T No. XVI. OF 1811.

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1. [illegible] of the Peace may act as such in every respect upon taking [illegible] in any Civil or Criminal Court within their jurisdiction, [illegible] oaths.

2. [illegible] of the Peace who has heretofore had oath of qualification administered to him by another Justice shall be deemed qualified.

An Act concerning the taking of oaths of qualification by Justices of the Peace.

I. Whereas inconvenience has arisen in consequence of pursuing the course heretofore deemed necessary for taking of oaths by Justices of the Peace, in order that they may be duly qualified to act under Commissions of the Peace;—It is hereby enacted, that all persons, who are or shall be nominated and appointed in any Commission of the Peace, shall be capable of acting as Justices of the Peace, in every respect, according to the tenor of such Commission, upon taking and subscribing in any Civil or Criminal Court of Justice within the places in and for which any such Commission shall have issued before the officer presiding in such Court, whether such officer be a Justice of the Peace or not, the oaths appointed to be taken by Justices of the Peace; and the subscription of such persons to the said oaths shall be deposited and kept with the records of the Courts of Justice in which the said oaths shall have been administered.

II. And it is hereby enacted, that every Justice of the Peace, who, before the passing of this Act, shall have had administered to him the oaths of qualification by any other Justice of the Peace, shall be deemed to have been duly

qualified to act as a Justice of the Peace from the time of taking such oath, and shall continue so qualified notwithstanding such oath may not have been taken in a Court of Justice as required by any previous Law, or by this Act.

ACT No. XVII. OF 1841.

BENGAL.

1. *The Sudder Courts within the Presidency of Fort William may transfer to Register the duty of preparing appealed causes for trial and of executing decrees, &c. and may authorize him to issue process.*
2. *Twice repealed.*

An Act for amending the proceedings in appeals before the Courts of Sudder Dewanny and Nizamut Adawlut in the Presidency of Fort William in Bengal.

I. It is hereby enacted, that it shall be competent to either of the Courts of Sudder Dewanny and Nizamut Adawlut within the territories subject to the Presidency of Fort William in Bengal, by an order, under the signature of the Register of such Court, to transfer to such Register the duty of preparing appealed causes for trial, and of executing the decrees and orders of the said Courts, and to authorize him to issue the necessary process, and to proceed thereupon agreeably to the rules prescribed by the general Regulations of Government.

II. *Repealed by Act X. 1861 and by Act XVII. 1862.*

ACT No. XVIII. OF 1841.

GENERAL.

1. *Arms, ammunition, &c. not to be exported or taken from territories of East India Company without a license, &c. Penalty, 500 Rupees and forfeiture.*
2. *For collecting in one place, or in places not exceeding 3 miles of one another, more than 50 pounds of gunpowder without license. Penalty 500 Rupees, and forfeiture, &c.*

3. *The Governments of the Presidencies may allow the exportation of gunpowder without license.*

An Act for consolidating and amending the enactments concerning the exportation of military stores.

Arms, ammunition, &c., not to be exported without a license, &c. Penalty, 500 Rs. and forfeiture.

I. It is hereby enacted that arms, ammunition and military stores (with the exception of arms in the possession of individuals for private use) shall not be exported, or otherwise taken from the territories of the East India Company, without a license from a public officer or officers for each Presidency, to be indicated by the Governments of the respective Presidencies, for the purpose of granting such licenses, and a full compliance with all such rules and conditions as may be prescribed for the guidance of such officer or officers in regard to such exports by the aforesaid Governments respectively. And any arms, ammunition or military stores which any person shall export, or attempt to export, or take as aforesaid contrary to this Act, shall thereby become forfeited, on the award of the officer or officers authorized as aforesaid to grant licenses, or the Collector of Customs, and every person offending in the premises contrary to this Act shall be liable, on conviction before a Magistrate, to a penalty not exceeding 500 Rupees.

II. *Repealed by Act XIII.* 1857, *Sec.* 37.*

The Government may allow the exportation of gunpowder without license.

III. And it is hereby enacted, that it shall be lawful for any of the Governments aforesaid, to allow at any port or ports the exportation of arms, ammunition and military stores as aforesaid without any such license as aforesaid as they shall deem expedient.

ACT No. XIX. OF 1841.

GENERAL

1. *Whenever a person dies, leaving property, the person claiming to succeed may apply for relief to the Judge, either in case of actual or of apprehended possession by another.*

2. *Who may apply in case of minor disqualified or absent person being entitled to succession.*

3. *Judge to enquire whether there are strong reasons for believing that the party in possession has no lawful title, and that applicant would be materially prejudiced by being left to the remedy of a regular suit.*

4. *If Judge be satisfied, he shall cite the person complained of and deliver possession, but may appoint an officer to take an inventory.*

5. *If there appear danger of misappropriation of property before determination of summary suit, the Judge may appoint curators. Such appointment to be published, and not to continue beyond determination of summary suit.*

6. *Judge may authorize curator to take possession either generally or under limitation, and may allow a party in possession to retain possession conditionally.*

7. *Curator to give security. His remuneration not to exceed 5 per cent. on personalty and annual profits of realty. Curator may be invested with the powers of his office before giving security.*

8. *If the property consist of land paying revenue, Judge shall demand a report from the Collector, and if he do not act in conformity to it, shall forward his reasons to the Sudder Court.*

9. *Curator to be subject to the Judge's orders regarding suits, and may give discharges for debts or rents, if expressly authorized to collect them.*

10. *Pending custody by curator, Judge may order allowances to parties having an apparent right.*

11. *Curator to file detailed accounts quarterly.*

12. *Any interested person may inspect curator's accounts, and keep a separate accountant. Penalty of Rs. 1,000 for error &c. in curator's accounts.*

13. *No second curator to be appointed by Judge of another district, unless the first be appointed only in respect of part of the property.*

14. *Application to Judge for a curator must be made within six months.*

15. *Curator not to be appointed, when the deceased has given legal directions for the possession of his property after death.*

16. *In the case of minors, &c., Judge to invest the Court of Wards with the curatorship pendente lite, without security.*

17. *Rejected applicant or party evicted from possession not to be barred from bringing a regular suit.*

18. *Judge's decision to be final as to the actual possession, but to have no other effect.*

19. *The Presidency Governments authorized to appoint public curators for any number of districts, and Judge to nominate such public curators.*

20. *Repealed.*

An Act for the protection of moveable and immoveable property against wrongful possession in cases of successions.

Whenever a person dies, leaving property, the person claiming to succeed may apply for relief to the Judge, either in case of actual or of apprehended possession by another.

I. Whereas much inconvenience has been experienced, where persons have died possessed of moveable and immoveable property and the same has been taken upon pretended claims of right by gift or succession; the difficulty of ascertaining the precise nature of the moveable property in such cases, the opportunities for misappropriating such property and also the profits of real property, the delays of a regular suit when vexatiously protracted, and the inability of heirs when out of possession to prosecute their rights, affording strong temptations for the employment of force or fraud in order to obtain possession. And whereas, from the above causes, the circumstance of actual possession, when taken upon a succession, does not afford an indication of rightful title equal to that of a decision by a Judge after hearing all parties in a summary suit, though such summary suit may not be sufficient to prevent a party removed from possession thereby from instituting a regular suit. And whereas such summary suit, though it will take away many of the temptations which exist for assuming wrongful possession upon a succession, will be too tardy a remedy for obviating them all, especially as regards moveable property. And whereas it may be expedient, prior to the determination of the summary suit, to appoint a curator to take charge of property upon a succession, where there is reason to apprehend danger of misappropriation, waste or neglect, and where such appointment will, in the opinion of the authority making the same, be beneficial under all the circumstances of the case. And whereas it will be very inconvenient to interfere with successions to estates by the appointment of curators, or by summary suits, unless satisfactory grounds for such proceedings shall appear, and unless such proceedings shall be

required by or on the behalf of parties giving satisfactory proof that they are likely to be materially prejudiced if left to the ordinary remedy of a regular suit:—

It is hereby enacted, that whenever a person dies leaving property, moveable or immoveable, it shall be lawful for any person claiming a right by succession thereto or to any portion thereof, to make application to the Judge of the Court of the district where any part of the property is found or situate for relief, either after actual possession has been taken by another person; or when forcible means of seizing possession are apprehended.

Case of minor, disqualified or absent person, being entitled to succession.

II. And it is hereby enacted, that it shall be lawful for any agent, relative, or near friend, or for the Court of Wards in cases within their cognizance, in the event of any minor, disqualified, or absent person being entitled by succession to such property as aforesaid, to make the like application for relief.

Judge to enquire into certain special points.

III. And it is hereby enacted, that the Judge to whom such application shall be made shall, in the first place enquire by the solemn declaration of the complainant, and by witnesses and documents at his discretion, whether there be strong reasons for believing that the party in possession or taking forcible means for seizing possession has no lawful title, and that the applicant, or the person on whose behalf he applies is really entitled, and is likely to be materially prejudiced if left to the ordinary remedy of a regular suit, and that the application is made *bonâ fide*.

If Judge be satisfied, he shall cite the person complained of and deliver possession, but may appoint an officer to take an inventory.

IV. And it is hereby enacted, that in case the Judge shall be satisfied of the existence of such strong ground of belief, but not otherwise, he shall cite the party complained of, and give notice of vacant or disturbed possession by publication, and after the expiration of a reasonable time shall determine summarily the right to possession (subject to regular suit as hereinafter mentioned) and shall deliver possession accordingly; Provided always, that the Judge shall have the power to appoint

an officer who shall take an inventory of effects, and seal or otherwise secure the same, upon being applied to for the purpose, without delay, whether he shall have concluded the enquiry necessary for citing the party complained of or not.

If there appear danger of misappropriation of property before determination of summary suit, the Judge may appoint curators, till determination of summary suit.

V. And it is hereby enacted, that in case it shall further appear upon such application and examination as aforesaid, that danger is to be apprehended of the misappropriation or waste of the property before the summary suit can be determined, and that the delay in obtaining security from the party in possession, or the insufficiency thereof is likely to expose the party out of possession to considerable risk, provided he be the lawful owner; it shall be lawful for the Judge to appoint one or more curators with the powers hereinafter next mentioned, whose authority shall continue according to the terms of his or their respective appointments, and in no case beyond the determination of the summary suit and the confirmation or delivery of possession in consequence thereof. Provided always, that, in the case of land, the Judge may delegate to the Collector or to his officer the powers of a curator, and also that every appointment of a curator in respect of any property be duly published.

Curator to take possession either generally or under limitation. Party in possession may retain possession conditionally.

VI. And it is hereby enacted, that the Judge shall have power to authorize such curator, either to take possession of the property generally, or until security be given by the party in possession, or until inventories of the property shall have been made, or for any other purpose necessary for securing the property from misappropriation or waste by the party in possession. Provided always, that it shall be entirely discretionary with the Judge, whether he shall allow the party in possession to continue in such possession on giving security or not, and any continuance in possession shall be subject to such orders as the Judge may issue touching inventories, or the securing of deeds or other effects.

Curator to give security. His remuneration not

VII. And it is hereby enacted, that the Judge shall exact from the curator security for the faithful discharge of his trust,

and for rendering satisfactory accounts of the same as hereinafter mentioned, and may authorize him to receive out of the property such remuneration as shall appear reasonable, but in no case exceeding 5 per centum on the personal property and on the annual profits of the real property. All surplus monies realized by the curator shall be paid into Court, and invested in public securities for the benefit of the persons entitled thereto upon adjudication of the summary suit. Provided always, that although security shall be required from the curator with all reasonable despatch, and, where it is practicable, shall be taken generally to answer all cases for which the person may be afterwards appointed curator, yet no delay in the taking of security shall prevent the Judge from immediately investing the curator with the powers of his office.

to exceed 5 per cent. on personalty and annual profits of realty.

VIII. And it is hereby enacted, that, where the estate of the deceased person shall consist wholly or in part of land paying revenue to Government, in all matters regarding the propriety of citing the party in possession, of appointing a curator, and of nominating individuals to that appointment, the Judge shall demand a report from the Collector, and the Collector is hereby required to furnish the same. In cases of urgency the Judge may proceed, in the first instance, without such report, and he shall not be obliged to act in conformity thereto, but, in case of his acting otherwise than according to such report, he shall immediately forward a statement of his reasons to the Court of Sudder Dewanny Adawlut, and the Court of Sudder Dewanny Adawlut, if they shall be dissatisfied with such reasons, shall direct the Judge to proceed conformably to the report of the Collector.

If the property consist of land paying revenue, Judge shall demand a report from the Collector.

IX. And it is hereby enacted, that the curator shall be subject to all orders of the Judge regarding the institution or the defence of suits, and that all suits may be instituted or defended in the name of the curator on behalf of the estate. Provided, that an express authority shall be requisite in the sunnud of the curator's appointment for the collection of debts or rents; but such express authority shall enable the curator

Curator to be subject to Judge's orders regarding suits, and may give discharges for debts or rents, if expressly authorized to collect them.

to give a full acquittance for any sums of money received by virtue thereof.

Pending custody by curator, Judge may order allowances to parties having an apparent right.

X. And it is hereby enacted, that pending the custody of the property by the curator, it shall be lawful for the Judge to make such allowances to parties having a *primâ facie* right thereto, as, upon a summary investigation of the rights and circumstances of the parties interested, he shall consider that necessity may require, taking at his discretion security for the repayment thereof with interest, in case the party shall, upon the adjudication of the summary suit, appear not to be entitled thereto.

Curator to file accounts monthly and quarterly.

XI. And it is hereby enacted, that the curator shall file monthly accounts in abstract, and at the period of every three months, if his administration last so long, and upon giving up the possession of the property, file a detailed account of his administration to the satisfaction of the Judge.

Any interested person may inspect curator's accounts, and keep a separate account.

XII. And it is hereby enacted, that the accounts of any such curator as is above described shall be open to the inspection of all parties interested; and it shall be competent for any such interested party to appoint a separate person to keep a duplicate account of all receipts and payments by such curator. And if it be found that the accounts of any such curator are in arrear, or if they shall be erroneous or incomplete, or if the curator shall not produce them whenever he shall be ordered to do so by the Judge, he shall be liable to a fine not exceeding 1,000 Rupees for every such default.

No second curator to be appointed unless the first be appointed only for part of the property.

XIII. And it is hereby enacted, that after the Judge of any district shall have appointed any curator, such appointment shall preclude the Judge of any other district within the same Presidency from appointing any other curator, provided the first appointment be in respect of the whole of the property of the deceased. But if the appointment be only in respect of a portion of the property of the deceased, this shall not preclude the appointment within the same Presidency of an-

other curator in respect of the residue or any portion thereof; Provided always, that no Judge shall appoint a curator or entertain a summary suit in respect of property which is the subject of a summary suit previously instituted under this Act before another Judge; And provided further, that if two or more curators be appointed by different Judges for several parts of an estate, it shall be lawful for the Sudder Dewanny Adawlut to make such order as it shall think fit for the appointment of one curator of the whole property.

XIV. And it is hereby provided, that this Act shall not be put in force, unless the aforesaid application to the Judge be made within six months of the decease of the proprietor, whose property is claimed by right in succession.

Application for a curator must be made within six months.

XV. And it is hereby enacted, that this Act shall not be put in force to contravene any public act of settlement. Neither in cases in which the deceased proprietor shall have given legal directions for the possession of his property after his decease, in the event of minority or otherwise, in opposition to such directions; but, in every such case, so soon as the Judge having jurisdiction over the property of a deceased person, shall be satisfied of the existence of such directions, he shall give effect thereto.

Curator not to be appointed, when the deceased has given legal directions for the possession of his property after death.

XVI. And it is hereby provided, that this Act shall not be put in force, for the purpose of disturbing the possession of the Court of Wards of any Presidency; and in case a minor, or other disqualified person, whose property shall be subject to the Court of Wards, shall be the party on whose behalf application is made under this Act, the Judge, if he determines to cite the party in possession, and also appoint a curator, shall invest the Court of Wards with the curatorship of the estate pending the suit, without taking such security as aforesaid, and in case the minor or other disqualified person shall, upon the adjudication of the summary suit, appear to be entitled to the property, possession shall be delivered to the Court of Wards.

In the case of minors, &c., Judge to invest the Court of Wards with the curatorship without security.

Rejected applicant or party evicted may bring a regular suit.

XVII. And it is hereby provided, that nothing in this Act contained shall be any impediment to the bringing of a regular suit, either by the party whose application may have been rejected, before or after citing the party in possession, or by the party who may have been evicted from the possession under this Act.

Judge's decision to be final only as to the actual possession.

XVIII. And it is hereby enacted, that the decision of the Judge upon the summary suit under this Act shall have no other effect than that of settling the actual possession; but that for this purpose it shall be final, not subject to any appeal or order for review.

Government may appoint public curators for any number of districts.

XIX. And it is hereby enacted, that it shall be lawful for the Governments of the respective Presidencies to appoint public curators for any district or number of districts. And the Judge having jurisdiction shall nominate such public curator or curators in all cases where the choice of a curator is left discretionary with him under preceding provisions of this Act.

XX. *Repealed by Act VIII.* 1855.

ACT No. XX. OF 1841.

Repealed by Act XXVII. 1860.

ACT No. XXI. OF 1841.

Repealed by Act XXI. 1857, *Section* 58, *and by Act XVII.* 1862

ACT No. XXII. OF 1841.

Repealed by Act XXVI. 1856.

ACT No. XXIII. OF 1841.

MADRAS.

1. *If any person lands or introduces by land any foreign rum or rum shrub into any district subject to the Madras Government without authorization of the Governor in Council. such rum or rum shrub shall be confiscated.*

2. *Owner of rum, &c., the produce of the Madras territories, may obtain a certificate of origin from the Collector by making a declaration in Form A and producing a certificate to its verity.*

3. *If the district be not an authorized one, the officer receiving the declaration shall give the declarant a certificate in Form B.*

4. *Intended exporter of rum or rum shrub to the United Kingdom may produce such certificate and make a declaration in Form marked C.*

5. *Officer receiving certificate and declaration abovementioned to grant to the declarant a certificate in Form D, unless he see cause to doubt the declaration.*

6. *Owner of rum, &c. intended for exportation not to obtain any certificate, unless rum, &c., be produce of a licensed distillery.*

7. *Rum, &c., manufactured at licensed distillery for exportation to the United Kingdom to be pure, and to be so declared, and verified.*

8. *If any rum &c., brought for exportation be found to be mixed, the same with casks to be seized and confiscated and declarant and verifier to be prosecuted.*

9. *Person making false declaration to be punished for perjury, and Government Officer wilfully verifying to be dismissed as well as punished.*

10. *No person intending to manufacture rum, &c., to establish a distillery without license.*

An Act for prohibiting the importation of rum and rum shrub into the Presidency of Fort St. George in Madras.

If any person lands or introduces by land any foreign rum, and rum shrub, without authorization, such rum or rum shrub shall be confiscated.

I. It is hereby enacted, that if any person after the passing of this Act, lands or attempts to land, or shall introduce by land in any part of the territories subject to the Government of the Presidency of Fort St. George in Madras, any rum or rum shrub, which is the produce of any foreign country, or of any British possession into which foreign sugar or rum can be legally imported, such rum or rum shrub shall be seized by the Collector of the Customs, or by any other officer authorized to seize and detain contraband goods, and shall be brought to confiscation according to the rules in force for con-

fiscating such goods, unless the district in which such rum or rum shrub is landed, or in which an attempt has been made to land such rum or rum shrub, be a district in which the Governor or Council has authorized the importation of such rum or rum shrub, and it shall be lawful for the Governor in Council to authorize the importation of such rum and rum shrub into any district of the territories aforesaid by an order in the Official Gazette.

Owner of Madras rum, &c., how to obtain a certificate of origin from the Collector.

II. And it is hereby enacted, that if any owner of rum or rum shrub, the produce of the said territories, or the duly authorized agent of such owner, be desirous to obtain a certificate of origin from the Collector or Assistant Collector of the land or customs revenue of any district within the said territories, or from any other officer appointed by the Governor in Council to give such certificates, such owner or agent shall, in the presence of the officer from whom he desires to obtain such certificate, make and subscribe a declaration in the Form contained in the schedule hereunto annexed marked A. and to the said declaration shall be appended a certificate to its verity from any Government officer who may be attached to the distillery where such rum or rum shrub is declared to have been manufactured, in the Form prescribed in the said schedule A.

If the district be not an authorized one, the officer shall give a certificate in Form B.

III. And it is hereby enacted, that if the district be one to which the Governor in Council has not, by any order, authorized the importation of foreign sugar or rum, or of sugar or rum the growth or produce of any British possession into which foreign sugar or rum can be legally imported, then the officer before whom such a declaration as is aforesaid shall have been made, shall grant under his hand and seal to the declarant a certificate in the Form contained in the schedule hereunto annexed, marked B.

Intended exporter of rum, &c., to the United Kingdom may produce such

IV. And it is hereby enacted, that every person who intends to ship rum or rum shrub from any place within the said territories for any part of the United Kingdom, shall be

entitled to produce, to the Collector of Customs at that place or to any other officer who may have been appointed by the Governments of the respective Presidencies to act on that behalf in place of the Collector of Customs, a certificate, such as is above described, and also, in the presence of the officer to whom he has so produced such certificate, to make and subscribe a declaration in the Form contained in the schedule hereunto annexed marked C..

certificate and make declaration in Form C.

V. And it is hereby enacted that the officer to whom such a certificate shall have been so produced, and before whom a declaration in the last mentioned form shall have been so made and subscribed, shall, unless he see cause to deem such declaration fraudulent and untrue, grant to the person who has made the last mentioned declaration a certificate in the Form contained in the schedule hereunto annexed marked D.

Officer receiving certificate and declaration to grant to declarant certificate D, unless he doubt the declaration.

VI. And it is hereby enacted, that the owner of rum or rum shrub intended for exportation under this Act, or the duly authorized agent of such owner, shall not be entitled to any of the certificates described in this Act, unless such rum or rum shrub shall be the produce of a distillery worked according to law in the European method under license from the Board or other authority vested with the management of the revenue derived from the Abkarry or tax on spirits.

Owner not to obtain any certificate unless rum, &c., be produce of a licensed distillery.

VII. And it is hereby enacted, that the rum and rum shrub manufactured for exportation to the United Kingdom under this Act at any licensed distillery shall be manufactured pure, without admixture of spirits made from rice, grains, or any other substance or substances not being the produce of the sugar cane or of the date or palm-tree, and shall be so declared and verified at the time of application for a certificate of origin according to the Form of schedule A.

Rum, &c., manufactured for exportation to the United Kingdom to be pure and to be so declared, and verified.

VIII. And it is hereby enacted, that if any rum or rum shrub that may be brought to any Custom House for exportation under this Act shall be found to be adulterated or mixed contrary

Rum, &c., brought for exportation and found to be mixed, to be seized

and confiscated and declarer and verifier to be prosecuted.

to the above prohibition, the same, with the casks or materials in which it is contained, shall be seized and confiscated, and the party or parties upon whose declaration certificate of manufacture free from adulteration or mixture may have been granted for the admission of such rum or rum shrub to the privilege of exportation under this Act, as well as the party or parties who may have verified such declaration, shall be proceeded against for the false and fraudulent declaration as hereunder prescribed.

Penalty for making and verifying a false declaration.

IX. And it is hereby enacted that any person who shall, in making any declaration under the authority of this Act, knowingly affirm an untruth, shall, on conviction thereof before such Court as would be competent to try such person for perjury, be punished as in cases of perjury; and every person procuring another person to affirm such untruth shall be liable to be punished as in cases of subornation of perjury, and any officer of Government subscribing an attestation to the verity of such declaration, knowing the same to be untrue, shall be subject to a like penalty as the false declarant, besides dismissal from the employment of Government.

No person to establish a distillery without license.

X. And it is hereby provided, that, notwithstanding any thing in this Act contained, no person intending to manufacture rum or rum shrub within the Presidency of Madras shall establish a distillery for such purpose without making application for a license in manner directed by Regulation I. of 1820 of the Madras Code; and every person manufacturing rum or rum shrub within the Madras Presidency, without having first obtained such license, shall be liable to the penalties provided in that Regulation.

SCHEDULE A.

I, A. B. solemnly declare that all the rum or rum shrub hereinunder described is the produce of the licensed distillery named ——— in the district of ———, and that the said rum or rum shrub is the produce of the sugar-cane, date, or palm-tree, and wholly free from any admixture of spirits manufactured from rice, grains, or any other substance whatever.

(Signed) A. B.

The ——— day of ——— 18 —.

* I, B. B. Government officer in charge on the part of Government of the ——— distillery, do hereby certify that the above is a true and correct declaration.

B. B.
Govt. officer attached to the
——— Distillery.

Description of the ——— to which the above declaration relates.

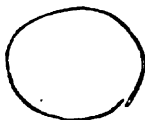
Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Marks on Packages.

(Signed) A. B.

The ——— day of ——— 18 —.
Collector's number ———.
Collector's date ——— of ——— 18 —.

(Signed) Y. Z. *Collector.*

Seal of the Collector.



SCHEDULE B.

I, C. D. Collector of Land Revenue (or Collector of Customs Revenue, or being an officer appointed by the Governor in Council to act in this behalf) for the district of ——— do hereby, in conformity with the provisions of Act ——— grant this certificate, under my hand and seal, that the rum or rum shrub described in the declaration hereunto annexed, which is sealed with the seal of this office, numbered ——— of ——— 18———, dated the ——— of ——— 18 ———, and signed by ——— manager or owner of the licensed distillery called ——— is the produce of the district of ———, and is declared to be free from any admixture of spirits manufactured from other substance than the sugar-cane, date or palm-tree, and that the importation of foreign sugar and rum and of sugar and rum the growth or produce of any British possessions into which foreign sugar and rum can be legally imported, is prohibited in the said district of ———.

L. S.

This ——— day of ——— (Signed) C. D.

* This declaration must be drawn out before the rum leaves the distillery in order that the attestation of the Government officer may be attached.

SCHEDULE C.

I, E. F., shipper of the rum or rum shrub hereinunder described, solemnly declare, that all the rum or rum shrub hereinunder described is, to the best of my knowledge and belief, the same rum or rum shrub to which the certificate now produced by me relates.

(Signed) E. F.

Description of ——— to which this declaration relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

The ——— day of ——— 18 ——. (Signed) E. F.

SCHEDULE D.

I, R. W. Collector of Customs, (or being an officer appointed by the Governor in Council to act in this behalf) for the port of ———, certify under my hand and seal, that there has been produced to me by E. F., the shipper of the rum or rum shrub hereinunder described, a certificate under the hand and seal of C. D. Collector of Land Revenue, (or Collector of Customs Revenue, or being an officer appointed by the Governor in Council to act in this behalf) for the district of ———, in the territories forming part of the Presidency of Fort St. George, which certificate certifies that the said rum or rum shrub is of the produce of the said district, and is declared to be free from any admixture of spirits manufactured from other substance than the sugar-cane, date, or palm-tree, and that the importation of foreign sugar and rum, or sugar and rum the growth or produce of any British possession into which foreign sugar and rum can be legally imported, is prohibited in the said district.

L. S. (Signed) R. W.

Collector of Customs.

The ——— day of ——— 18—.

Description of the ——— to which the certificate relates.

Quantity in Gallons.	Quality.	Average strength by Sykes's Hydrometer.	Number and denomination of Packages.	Name of Ship or Vessel.	Name of Master of Ship or Vessel.

(Signed) R. W.

Collector of Customs.

ACT No. XXIV. OF 1841.

1. *Stat. 11, Geo. IV. and 1 Will. IV. C. 40, extended to India.*
2. *Stat. 11, Geo. IV. and 1 Will. IV. C. 46, extended to India.*
3. *Stat. 11, Geo. IV. and 1 Will. IV. C. 60, extended to India with certain modifications.*
4. *Stat. 11, Geo. IV. and 1 Will. IV. C. 47, Sections 10, 11 extended to India.*
5. *Act not to affect any case not governed by English Law.*

An Act for the greater uniformity of the law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of testators; illusory appointments; the transfer of estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.

I. It is hereby enacted, that the Statute 11, George IV. and I. William IV. Ch. 40, entitled "An Act for making better provision for the disposal of the undisposed of residues of the effects of testators," shall be extended to the territories of the East India Company as far as it is applicable to the same. Provided, that this Act shall take effect from the first day of January next, which day is substituted for the first day of September mentioned in the Statute.

Stat. 11, Geo. IV. and I Will. IV. C. 40, extended to India.

II. And it is hereby enacted, that the Statute 11, George IV. and I. William IV. Ch. 46, entitled "An Act to alter and amend the law relating to illusory appointments," and the Statute 11, George IV. and I. William IV. Cap. 65, entitled "An Act for consolidating and amending the law relating to property belonging to infants, feme coverts, idiots, lunatics and persons of unsound mind," shall, from the first day of January next, be extended to the territories of the East India Company, as far as it is applicable to the same.

Stat. 11, Geo. IV. and I Will. IV. C. 46, extended to India.

III. And it is hereby enacted, that the Statute 11, George IV. and I. William IV. Ch. 60, entitled "An Act for

Stat. 11, Geo. IV. and I Will. IV. C. 60, ex-

tended to India with modifications.

amending the laws respecting conveyances and transfer of estates and funds vested in trustees and mortgagees, and for enabling Courts of Equity to give effect to their decrees and orders in certain cases," except so much thereof as provides that it shall not extend to cases of partition, shall, from the first day of January next, be extended to the territories of the East India Company, as far as it is applicable to the same, and all provisions contained in the last mentioned Statute relating to the Lord Chancellor of Great Britain, intrusted as therein is mentioned, or to Courts of Chancery, or their decrees, shall be applicable to Her Majesty's Supreme Courts of the respective Presidencies. And the indemnity and discharge mentioned in the last Section of the same Act shall be applicable to the East India Company, and all corporate societies established within the territories of the East India Company and their officers and servants.

Stat. 11, Geo. IV. and 1 Will. IV. C. 47, Ss. 10, 11, extended to India.

IV. And whereas it is expedient to adopt the amendments of the English Law touching the delay of action, suits, or other proceedings, by reason of the parol demurring; and touching conveyances made by infants under order of Courts; it is hereby enacted, that Sections 10 and 11 of the Statute 11, Geo. IV. and I. William IV. Ch. 47, entitled "An Act for consolidating and amending the laws for facilitating the payment of debts out of real estate," shall, from the first day of January next, be extended to the territories of the East India Company, as far as it is applicable in the same.

Act not to affect any case not governed by English Law.

V. And it is hereby provided, that this Act shall not be construed to affect any case which would not have been governed by English Law as administered by Her Majesty's Supreme Courts previous to the passing thereof, or any proceedings at Law or in Equity commenced before the first day of January next.*

* This Act was extended to the Straits Settlements by Act XIV. 1852.

ACT No. XXV. OF 1841.

1, 2. *Repealed.*

3. *Discharge of prisoner under Insolvent Debtor's Act shall extend to process in Equity, for contempt in non-payment of money and to costs and charges.*

4. *In all cases of imprisonment for contempt issued out of Supreme Court, the Court may discharge the prisoner except to costs.*

An Act for amending the law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.

I. *Repealed by Act V.* 1855, *Section* 7.

II. *Repealed by the same Section of the same Act.*

Discharge of prisoner under Insolvent Debtor's Act to extend to process in Equity for contempt in non-payment of money, and to costs and charges.

III. And it is hereby enacted, that the discharge of any prisoner adjudicated upon under the authority of an Act passed in the 9. G. IV. C. 73, intituled "An Act to provide for the relief of insolvent debtors in the East Indies until the first day of March, 1833," last continued by an Act passed in the 3 and 4, Vic. C. 80, shall and may extend to all process in Equity issuing from Her Majesty's Supreme Courts for any contempt of such Court for non-payment of money, or of costs, charges or expenses in any such Court, and that in such case the said discharge shall be deemed to extend to all costs which such prisoner shall be liable to pay in consequence or by reason of such contempt, or on purging the same, and every discharge so adjudicated as aforesaid as to any debt or damages of any creditor of such prisoner shall be deemed to extend also to all costs incurred by such creditor before the filing of such prisoner's schedule, in any action or suit brought by such creditor against such prisoners for the purpose of the recovery of the same, and that all persons as to whose demands for any such costs, money, or expenses, any such person shall be so adjudged to be discharged, shall be deemed and taken to be creditors of such prisoner in respect thereof, and entitled to the benefits of all the provisions made for creditors by the said last men-

tioned Acts, subject nevertheless to such ascertaining of the said demands as may be had by taxation or otherwise, and to such examination thereof as is in the said last mentioned Acts provided in respect of all claim to a dividend of such insolvent's estate and effects.

In cases of imprisonment for contempt, the Court may discharge the prisoner, except as to costs.

IV. And be it further enacted, that in all cases of contempt, where any person or persons are, or is, or shall at any time hereafter be, in prison under or by reason of any commitment or attachment in Equity directed by or issued out of Her Majesty's Supreme Courts, such Court shall (upon the application of the person or persons against whom such commitment or attachment hath been directed or issued,) have the power, if it shall so think fit, to discharge such person or persons from their, his, or her contempt, except as to the costs thereof, for which costs they, he, or she shall remain in custody, and such costs shall be deemed within the provisions of the last preceding Section of this Act—and they, he, or she shall be discharged therefrom, and from the process of contempts, in like manner as in the last preceding Section of this Act provided for in cases of process of contempt for non-payment of money or costs. Provided, that this Act shall not weaken any of the other powers by this Act given, and that nothing herein contained shall alter or affect the operation of the said Acts for the relief of insolvent debtors.

ACT No. XXVI. OF 1841.

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1. *An action of trespass or on the case may be maintained by executors or administrators within six months after death of deceased for injury to his real estate committed in his lifetime for which deceased might have sued; and vice versâ.*

2. *Wager of Law abolished.*

3. *An action of debt may be mentioned against executor or administrator.*

4. *Defendant in all personal actions (with some exceptions, and under certain Regulations) may by leave pay into Court a sum by way of compensation or amends.*

5. *Parties after issue joined may, by consent and order of a Judge, state a special case for the opinion of the Court.*

6. *The name of every witness objected to as incompetent on the ground of interest, shall be indorsed on the record and on the judgment, and such indorsement shall be sufficient evidence of his being examined.*

7. *Court, on the trial of any issue in certain actions, may give damages in the nature of interest over and above the value of the goods, &c.*

8. *Executors or administrators may distrain for arrears of rent, as deceased lessor might have done in his lifetime.*

9. *Such arrears may be distrained for after determination of lease, provided distress be made within six months, and during possession of the same tenant.*

An Act for extending in cases governed by English Law certain provisions of the Statute 3d and 4th William IV. Chap. 42, entitled "an Act for the further amendment of the law and the better advancement of justice."

An action of trespass or on the case may be maintained by executors, &c., within 12 months after death of deceased for injury to his real estate: and against them within 6 months after administration obtained, for injury committed by deceased.

I. Whereas there is no remedy provided in cases governed by English Law for injuries to the real estate of any person deceased, committed in his lifetime, nor for certain wrongs done by a person deceased in his lifetime to another in respect of his property, real or personal; for remedy thereof it is hereby enacted, that an action of trespass or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased for any injury to the real estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person, and provided such action shall be brought within one year after the death of such person; and the damages, when recovered, shall be part of the personal estate of such person; and further that an action of trespass or trespass on the case, as the case may be, may be maintained against the executors or administrators of any person deceased for any wrong committed by him in his lifetime to another in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death, and so as such action shall be brought within six calendar months after such execu-

tors or administrators shall have taken upon themselves the administration of the estate and effects of such person; and the damages to be recovered in such action shall be payable in like order of administration as the simple contract debts of such person.

Wager of Law abolis

II. And it is hereby enacted, that no Wager of Law shall be hereafter allowed.

An action of debt may be maintained against executor, &c.

III. And it is hereby enacted, that an action of debt on simple contract shall be maintainable in any of Her Majesty's Supreme Courts against any executor or administrator.

Defendant in all personal actions (with some exceptions) may by leave pay into Court a sum by way of amends.

IV. And it is hereby enacted, that it shall be lawful for the defendant in all personal actions (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversations or debauching of the plaintiff's daughter or servant,) by leave of any of Her Majesty's Supreme Courts where such action is pending, or a Judge of any of the said Courts, to pay into Court a sum of money by way of compensation or amends, in such manner, and under such Regulations as to the payment of costs and the form of pleading, as the said Judges or such Courts respectively shall, by any rules or orders by them to be from time to time made, order and direct.

Parties, after issue joined may, by consent and order of a Judge, state a special case.

V. And it is hereby enacted, that it shall be lawful for the parties in any action or information, after issue joined, by consent and by order of any of the judges of the said Courts, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the plaintiff or defendant, by confession or of nolle prosequi, immediately after the decision of the case, or otherwise as the Court may think fit; and judgment shall be entered accordingly.

The name of every witness objected to as in-

VI. And it is hereby enacted, that the name of every witness, objected to as incompetent on the ground that the

judgment in the action would be admissible in evidence for or against him, shall at the trial be indorsed on the record or document on which the trial shall be had, together with the name of the party on whose behalf he was examined, by some officer of the Court, at the request of either party, and shall be afterwards entered on the record of the judgment; and such indorsement or entry shall be sufficient evidence that such witness was examined, in any subsequent proceeding in which the judgment shall be offered in evidence.

competent on the ground of interest, shall be indorsed on the record.

VII. And it is hereby enacted, that every such Court as aforesaid, on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, give damages in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass de bonis asportatis, and over and above the money recoverable in all actions on Policies of Assurance made after the passing of this Act.

Court may give damages in the nature of interest over and above the value of the goods, &c.

VIII. And it is hereby enacted, in cases which would be governed by English Law, that it shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord in his life-time, in like manner as such lessor or landlord might have done in his life-time.

Executors, &c., may distrain for arrears of rent, as deceased lessor might have done in his life-time.

IX. And it is hereby enacted, that such arrearages may be distrained for after the end or determination of such term or lease at will, in the same manner as if such term or lease had not been ended or determined; Provided, that such distress be made within the space of six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears become due: Provided also, that all and every the powers and provisions of law relating to distresses for rent shall be applicable to the distresses so made as aforesaid.

Arrears may be distrained for, after determination of lease, within 6 months, and during possession of the same tenant.

SUPREME COURTS.

ACT No. XXVII. OF 1841.

1. *After 6 years, unclaimed dividends on insolvent estates may be ordered to be repaid to assignees and by them distributed among the creditors.*

2. *But not unless first advertized in manner specified, nor in any case where any person shall at any time have substantiated a claim to the debt.*

3. *The Court may order payment of 6 months' wages to servants before declaration of dividend.*

4. *Commencement of operation of Act.*

An Act for appropriating the unclaimed dividends on insolvent estates.

After six years unclaimed dividends on insolvent estates may be ordered to be repaid to assignees and by them distributed.

I. Whereas, pursuant to the orders of the Courts for the relief of Insolvent Debtors at the several Presidencies, divers sums on account of unclaimed dividends on insolvent estates have, from time to time, been paid over by the assignees of such insolvent estates into the hands of the Accountant-General and Sub-Treasurer of the East India Company at such several Presidencies with the privity of the Accountant-General of the said Insolvent Courts, to the credit of the persons named in the Schedules as creditors of such insolvents respectively;—and whereas it is expedient that in the event of no claim being established to such unclaimed dividends or any part thereof, within a reasonable time, such dividends should be distributed among such of the creditors of such insolvent estates as shall have established their claims against such estates respectively;—

It is therefore enacted, that it shall be lawful for the said Courts of Insolvent Debtors respectively, in the event of no claim being established to such dividends or any part thereof, within six years after any dividend shall have been so paid over as aforesaid, to order the same to be repaid to such assignees, to be by them distributed among such of the creditors of such insolvent estates as shall have established their claims against such estates respectively, and to order such claims to be expunged from such Schedules. Provided, that this Act shall not affect the right of any party to be paid such

dividends out of any future assets, which may come to the hands of the assignees, together with any future dividends which may be declared on such insolvent estates respectively in the event of any such claim being afterwards established.

But not unless first advertised, nor in any case where a claim to the debt shall have been substantiated.

II. And it is hereby enacted, that no such unclaimed dividend shall at any time be distributed under this Act unless a statement of such unclaimed dividends be previously published in manner following: one year at least before making any such division as aforesaid, a statement shall be published three times in the English language, and also in one or more Native languages in the Official Gazettes of the respective Presidencies, which statement shall contain the names and descriptions, as contained in the Schedules, of all parties in respect of whose claims dividends are reserved, together with the amount of such claims respectively, and shall specify whether any former dividend or dividends have been paid in respect thereof, and whether any proof shall have at any time been made of the debt whereby any dividend may have accrued. Provided always, that this Act shall not authorize the distribution of any such dividend, except where no person shall at any time have substantiated any claim to the debt in respect of which such dividend may have become due.

The Court may order payment of six months' wages to servants before declaration of dividend.

III. And it is hereby further enacted, that in case it shall appear that any insolvent is indebted to any domestic servants for wages, it shall be lawful for such Courts, at or before the time of declaring a dividend, to order the amount due for such wages, but not exceeding in the whole the amount of six months' wages, to be paid to such servants out of the estate of such insolvents.

Commencement of operation of Act.

IV. And be it enacted, that this Act shall not take effect until the first day of January, 1843.

ACT No. XXVIII. OF 1841.

Repealed by Act XXIX. 1861.

ACT No. XXIX. OF 1841.

Repealed by Act X. 1861.

GENERAL.

ACT No. XXX. OF 1841.

1. *All persons using menacing gestures, &c. or otherwise obstructing justice in the presence of any Magistrate, Joint-Magistrate, &c. or any Court, Civil or Criminal, may be fined not exceeding* 200 *Rupees, or in default, imprisoned for one month. Party aggrieved may appeal within one month. Party, if not proceeded against under this Act, may be indicted in Her Majesty's Supreme Courts.*

2. *The Sudder Board of Revenue, Local Commissioners, &c., Collectors, &c. may punish any of the aforesaid offences by fine, or imprisonment in the Civil Jail. Party aggrieved may appeal to the supreme Revenue authorities.*

3. *Repeals certain portions of Regulation XXIII.* 1814*; and of Regulation XII.* 1825.

An Act for repressing obstructions to justice in certain Courts of the East India Company.

All persons obstructing justice in any Mofussil Court, Civil or Criminal, may be fined not exceeding 200 Rs., or if not paid, imprisoned for one month. Party aggrieved may appeal within one month.

This Section is repealed by Act XVII. 1862.

I. Whereas sufficient provision is not made for repressing obstructions to justice committed in the Courts of the East India Company;—It is hereby enacted, that all persons whatsoever, whether generally amenable to the Courts of the East India Company or otherwise, using menacing gestures or expressions, or otherwise obstructing justice in the presence of any zillah or city Magistrate, Joint-Magistrate, or other officer under a Magistrate empowered to try criminal cases, or any superior or inferior Court, Civil or Criminal, of the East India Company, shall be liable to be fined by the authority whose proceedings are obstructed to any amount not exceeding 200 Rupees, or, in case such fine be not paid, to be imprisoned for any period not exceeding one month. Provided, that from the award of punishment in such cases an appeal shall lie, if preferred within one month, to the Authority, Civil or Criminal, appointed by law to hear appeals in all other cases from the decisions of the officer by whom the fine was imposed; And provided also, that notwithstanding any thing in

this Act it shall be lawful to indict any person amenable to Her Majesty's Supreme Courts as for a misdemeanor in any of the cases aforesaid sustainable before this Act, if no proceeding shall have been had against the offender in the Court where the offence was committed, but not otherwise.

The Sudder Board of Revenue, &c., may punish such offences by fine, or imprisonment in Civil Jail. Party aggrieved may appeal to the Superior Revenue authorities.

II. And it is hereby further enacted, that the Sudder Board of Revenue, the Local Commissioners, or other officers exercising the powers of either of those authorities, the Collectors, or other officers exercising the powers of Collector, shall be competent to punish any obstruction of the nature aforesaid, by fine to an extent not exceeding 200 Rupees, and, in case such fine be not paid, by imprisonment in the Civil Jail for a period not exceeding one month. Provided, that the orders passed in such cases shall be subject on appeal to the revision and control of the superior revenue authorities, as in all others, and shall, as well as the sentences passed under Section 1, of this Act, be carried into effect by the Magistrate, on application being made to that officer, in the usual mode.

Repeals parts of Reg. XXIII. 1814; and of Reg. XII. 1825.

III. And it is hereby enacted, that Section 42, the further proviso contained in Section 74, Regulation XXIII. 1814; Clauses second and third, Section 5, and Section 6, Regulation XII. of 1825 of the Bengal Code, are repealed.

ACT No. XXXI. OF 1841.

Repealed by Act XVII. 1862.

ACT No. I. OF 1842.

Repealed by Act XI. 1849.

ACT No. II. OF 1842.

Expired.

ACT No. III. OF 1842.

Repealed by Act XIII. 1856.

MADRAS.

ACT No. IV. OF 1842.*

1. *Owners or servants of boats or catamarans to have license, and their boats, &c., to be registered. Penalty Rupees* 50 *and confiscation.*

2. *Master Attendant to grant license on satisfaction as to dimensions, capacity and sea-worthiness, and on receiving written declaration from owner as to his own name and residence, and that of all persons employed in the boat. License what to contain.*

3. *Survey and measurement of boats. Fee.*

4. *Number of boat to be painted in English figures on bow and quarter.*

5. *Registered number to be cut or branded in native characters on every boat, and kept painted.*

6. *Licensed boat to be manned by two steersmen and one baler, and to carry not more than fifteen passengers and such quantity of goods as is mentioned Schedule A. Special Regulations as to boats of special construction.*

7. *Penalty in case of excess of passengers or cargo. Rupees* 50 *on owner, Rupees* 5 *on tindal, and Rupees* 10 *on others.*

8. *Licensed boat, &c., not to leave the shore before gunfire in the morning, nor after* 5 P. M., *nor to remain along side ship after* 6 P. M. *without leave; boats, &c. not put off to or from the shore when Master Attendant hoists certain flags.*

9. *Boats, &c., to be exposed for inspection on* 15*th December, and once every month or oftener if the Master Attendant require it. Master Attendant may suspend, and afterwards withdraw license, if not satisfied.*

10. *Specifies three places where grain, timber and goods respectively may be landed. Penalty for landing in wrong place, Rupees* 100.

* Act IX. 1846, provides for the extension of the provisions of this Act to all other ports and anchorages in the Presidency of Madras.

11. *Specifies places where native vessels, or donies, and vessels other than native vessels shall respectively anchor. Penalty in case of boat communicating with ship anchored in wrong place, Rupees 10.*

12. *Owners of boats, &c., let out for hire to attend daily at the boat-office from 5 A. M. to 6 P. M., when not actually engaged.*

13. *Penalty of Rupees 10 for demanding higher rate of hire than is sanctioned in Schedule B.*

14. *Penalty of Rupees 20 for refusing without satisfactory cause to let out at specified times and rates, boats kept for hire.*

15. *Penalty for wilful neglect or desertion of duty by boatmen, 36 lashes or 6 months' hard labour.*

16. *Owners of boats, &c., kept for hire to keep for service during the night ten boats and four catamarans, by rotation. Penalty Rupees 20 and Rupees 5 respectively.*

17. *Owner of boat kept for hire, to keep it sea-worthy under penalty of Rupees 20, or Rupees 100, according to circumstances.*

18. *Boat or catamaran not to communicate with any vessel before the Master Attendant's report boat, &c., has boarded her; penalty Rupees 20.*

19. *Master Attendant, &c., may board any boat, &c., to search for smuggled goods and may examine baggage and search persons. Penalty for resisting such proceedings, Rupees 100, or six months' imprisonment and forfeiture of license.*

20. *Certain sections of the Marine Police Regulations repealed.*

21. *The jurisdiction given by the Marine Police Regulations to the Master Attendant or his deputy may be exercised by Justices of the Peace.*

22. *All persons using boat or catamaran in the Madras Roads to be amenable to Sections 11—13 of the said Regulation.*

23. *Section 36 of the said Regulation how to be applied.*

24. *All pecuniary penalties under this Act to be adjudicated by any Justice of the Peace, and to be levied by distress and sale, and on failure of such remedy offender to be imprisoned for not more than six months.*

An Act for the better management of Boats and Catamarans in the Madras Roads and for the amendment of certain Harbour Regulations.

Owners or servants of boats, &c., to have license, and their boats, &c., to be registered.

I. Whereas it is expedient to make Regulations for boats and catamarans employed in the Madras Roads, with a view to the better preservation of good order, the prevention of smuggling, and the general protection of life and property, and whereas certain rules now in force for the harbour of Madras require amendment,—

It is hereby enacted, that from and after the first day of September next, no person, either as owner or servant, shall use or employ or be employed in any boat or catamaran to carry passengers, goods or letters to or from any ship or vessel lying in the Madras Roads and shore, unless such owners or owner of boats and catamarans shall have previously received a license, and unless the boat or catamaran which such owners or owner, servants or servant shall so use, has been registered as hereinafter mentioned, and in case any person who has not received such license shall employ or be employed in a boat or catamaran for the purposes aforesaid, or such boat or catamaran shall not have been so registered, such person shall be liable to a fine not exceeding the sum of 50 Rupees, on conviction before a Justice of the Peace, as that Justice shall direct, and the boat or catamaran shall be liable to be seized by the orders of any Justice of the Peace and forfeited.

Master Attendant to grant license on satisfaction as to dimensions, capacity and sea-worthiness, and on receiving written declaration from owner. Declaration and license what to contain.

II. And it is hereby enacted, that upon the Master Attendant being satisfied that any such boat is of the proper dimensions and capacity, and that the same is sea-worthy, and of a proper quality for the purposes aforesaid, and upon the application of the owner of any such boat or of any catamaran, and upon such owner delivering to him a written paper signed by such owner specifying his name, occupation and place of residence, and the names and places of residence of all such boatmen or other persons as shall be employed by such owner in and about the navigation and management of such boat as particularly as may be, and also subscribing to a declaration in writing that he fully understands all the provisions of this Act and those contained in the subsidiary rules to the same Act, it shall and may be lawful, and the said Master Attendant is hereby required to grant to such owner a license so to use the same, in which license (if of a boat) shall be expressed the dimensions, the number of passengers or the quantity of goods which such boat shall be permitted to take and carry, and every such license shall also contain a number for such boat or catamaran, and the name or names, occupation or occupations, and place or places of residence of the

owner or owners thereof, and the number of the servants or crew who shall be used or employed to row or navigate the same and their names and places of residence respectively, all of which particulars shall be entered in a book or registry for that purpose to be kept by the Master Attendant, and so often as the property in any such boat or catamaran, or any share of the same shall be transferred, every owner of such boat or catamaran shall produce his license before the said Master Attendant, and such new owner shall also deliver to him a written paper signed by such new owner specifying his name, occupation and place of residence, and the names and places of residence of all such boatmen or other persons as he shall employ, or propose to employ in and about the navigation and management of such boat as particularly as may be, and shall also subscribe to a declaration in writing that he fully understands all the provisions of this Act, and those contained in the subsidiary rules to this Act, all which said particulars shall be duly entered by the said Master Attendant in a new registry to be made by him of such boat or catamaran, and thereupon a new license to use such boat or catamaran, expressing and containing the same particulars as are hereinbefore provided to be expressed in the original license, shall be granted by the said Master Attendant, and whenever any such owner or owners, or any of the boatmen or other persons employed to manage or navigate any such boat or catamaran shall change his or their place of abode, notice of such change of abode shall be delivered to the said Master Attendant by the said owner, in order that such new place of abode may be entered in the registry and license. In wilful neglect or default of which notice of change of ownership or of the persons employed to row or navigate any such boat, or of his or their or any or either of their change of residence, for the space of six days after any such change of residence, the owner shall forfeit a sum not exceeding 50 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and for every such new registration to be made by the said Master Attendant as aforesaid he shall

be entitled to charge by way of fee the sum of one Rupee, and for every new license thereof the sum of one Rupee.

Survey and measurement of boats.

III. And it is hereby enacted, that in order to enable tha said Master Attendant to grant a correct license of the registry of every such boat previous to the registry of any boat requiring such license, the said Master Attendant or his deputy shall in the presence of the owner of every such boat or any other person duly appointed by such owner, cause each such boat to be surveyed and measured, and in case the same shall not, in the judgment of the said Master Attendant or his deputy, be of the proper dimensions and capacity, and sea-worthy, and of the proper quality for the purposes aforesaid, no registry shall be made nor license be granted, until every such defect in the admeasurement, sea-worthiness and quality of the said boat shall have been rectified by the owner thereof, and for every such survey and admeasurement a fee of three Rupees shall be paid by the owner of any such boat to the said Master Attendant.

Number of boat to be painted in English figures on bow and quarter.

IV. And it is hereby enacted, that the said owner or owners of every such boat shall forthwith paint in black English figures, not less than six inches in length, upon a white ground, such white ground having a margin of at least three inches beyond the outermost part of the figures, on a conspicuous part of the bow on one side and of the quarter on the other, and in a legible and distinct manner from left to right, the number in such registry and license mentioned, and if any person shall fraudulently paint or counterfeit or cause or permit to be painted or counterfeited upon any boat any figure, not having been duly registered, every such person shall forfeit the sum of 100 Rupees, and every such boat shall also be forfeited.

Registered number to be cut or branded in native characters on every boat, and kept painted.

V. And, for the better prevention of fraud or omission in the painting, the figures hereinbefore provided to be painted, on all boats let out for hire, as well as for the better distinguishing and identifying such boats and catamarans as

have been registered and licensed, it is hereby enacted, that so often as any registry is made, the said Master Attendant shall cause the number in the same to be cut or branded in the most common native characters, in some part or parts of every such boat and catamaran, and if the owner or owners of any such boat shall neglect or refuse to keep painted, cut or branded any figure hereinbefore required to be painted, cut or branded on any such boat or catamaran, in a fair and legible condition, or if he shall paint, cut or brand the same in a different manner or on a different part of such boat than is hereinbefore provided, or shall wilfully erase, obliterate or in any way hide or conceal the same, or if the owner of any such boat or catamaran shall knowingly permit any such act to be done, he shall forfeit a sum not exceeding 100 Rupees on conviction before a Justice of the Peace, as that Justice shall direct, and if any person not being such owner shall be guilty of or shall assist in any such incorrect painting, cutting, branding, erasure or concealment, he shall forfeit one moiety of the penalty in this article imposed.

Licensed boat to be manned by two steersmen, and one baler, and to carry only 15 passengers and specified quantity of goods. Special Regulations as to boats of special construction.

VI. And it is hereby enacted, that every boat of the description and dimensions now in use (that is to say) not more than thirty-three feet in length, nine feet in breadth, and four feet four inches in depth, nor less than thirty feet in length, six feet in breadth, and three feet six inches in depth, which shall be so licensed and registered as aforesaid, shall be manned with not less than two steersmen, eight rowers and one baler, and shall, if required, be obliged to carry at one time any number of passengers not exceeding fifteen, or any quantities of goods not exceeding the quantity mentioned in the Schedule A. hereunder written; and in case boats of different construction and dimensions shall be licensed and registered, they shall be manned in such manner and shall be obliged to carry such passengers or such a quantity of goods, as the Master Attendant shall direct and shall express in the license, under the penalty of 50 Rupees.

Penalty in case of excess of passengers or cargo.

VII. And it is hereby enacted, that if any boat be loaded with passengers or cargo beyond the number or quantity

specified in the license granted to such boat, the tindal of such boat shall be liable to a fine not exceeding 5 Rupees, on conviction before a Justice of the Peace, for every such surplus passenger and for every candy weight of such cargo beyond such specified quantity, and the owner of such boat shall be liable to a fine of 50 Rupees, on conviction before a Justice of the Peace, for every such surplus passenger or surplus candy weight of cargo. And every person other than the tindal or owner, who shall be guilty either as principal or accessary of the like offence of overloading any boat, shall be liable to a fine of 10 Rupees, on conviction before a Justice of the Peace, for every such surplus passenger or surplus candy weight of cargo.

Licensed boat, &c., not to leave the shore before gunfire in the morning, nor after 5 p. m., nor to remain alongside ship after 6 p. m. without leave.

VIII. And it is hereby enacted, that no boat or catamaran so licensed shall leave the shore before gunfire in the morning nor after 5 o'clock in the afternoon, nor shall remain alongside any ship or vessel after 6 o'clock in the afternoon, without leave from the Master Attendant or his deputy, who shall be at liberty to prevent any boat or catamaran from putting off to or from the shore when in his judgment the doing so would be attended with danger, on which occasions the Master Attendant shall hoist at the mast head of his flagstaff the following flags, viz.: The White Pendant with a red ball under a red and white chequered flag; and in case any person offend against this Clause, he shall be liable, on conviction before a Justice of the Peace, to forfeit and pay a sum not greater than 30 Rupees.

Boats, &c., to be exposed for inspection on 15th December and once every month or oftener if the Master Attendant require it.

IX. And it is hereby enacted, that on the 15th day of December in every year, the owners of boats and catamarans which shall have been so licensed and registered as aforesaid shall expose them and their crews on the beach for the inspection of the Marine Board, and the Master Attendant shall once in every month or oftener, and as often as he may think necessary, require the owner of the said boats and catamarans, or any one or more of them to expose them and their crews on the beach for his inspection; and in case any owner shall

neglect or refuse so to expose a boat or catamaran belonging to him, and in case, on any boat or catamaran being so exposed, the Master Attendant shall deem it unseaworthy, or that its crew is in an inefficient state, he shall suspend the license granted in respect thereof until the said boat or catamaran shall have been repaired and the crew rendered efficient to the satisfaction of the Master Attendant—and it is hereby declared, that in case the owner of any such boat or catamaran shall refuse or neglect to make such necessary repairs to the same and to render efficient the crew thereof, within one month after such inspection, the license shall altogether be withdrawn from such boat.

Three places where grain, timber and goods respectively may be landed.

X. And it is hereby enacted, that grain shall be landed within the space between the north angle of the Custom House and Clive's Battery, and all other goods, excepting timber, shall be landed within the space between the north angle of the Custom House and the south angle of Bentinck's Buildings, and that timber may be landed any where if the permission of the Collector of Sea Customs be first obtained, and, if such permission shall not have been obtained, it shall be landed within the space between the north angle of the Custom House and Clive's Battery, and in case any person shall land or be engaged in attempting to land any goods otherwise than as before directed, every such person shall be liable to pay on conviction before a Justice of the Peace a sum not greater than 100 Rupees, as that Justice of the Peace shall determine.

Specifies places where native vessels and other vessels shall respectively anchor.

XI. And it is hereby enacted, that all vessels other than those commonly known as native vessels or donies shall anchor in the south roads, the north angle of the Fort being one point, and the Master Attendant's flag-staff the other, and all vessels commonly known as native vessels or donies shall anchor in the north roads, the north angle of the Custom House being the southern, and the village of Royapooram the northern point, and the owner of any licensed boat or catamaran, on holding (except at the request of the Master Attendant) communication with a vessel which shall be anchored

otherwise than as aforesaid, shall, on conviction thereof before a Justice of the Peace, be liable to pay a sum not greater than 10 Rupees as such Justice of the Peace shall direct.

Owners of boats, &c., let out for hire to attend daily at the boat office from 5 a.m. to 6 p. m. when not actually engaged.

XII. And it is hereby enacted, that the owner or owners of all boats and catamarans kept for the purpose of being commonly let out for hire shall, when the same shall not be engaged in doing actual service for hire, by themselves or their agents give daily attendance at the boat-office from 5 A. M. until 6 P. M., so as to be ready to provide upon immediate notice their boats or catamarans for service or hire, and that for any neglect in so giving attendance (unless occasioned by sufficient excuse) such owners shall be punishable by a Justice of the Peace on conviction by a fine not exceeding 10 Rupees.

Penalty of Rs. 10 for demanding unauthorised rate of hire.

XIII. And it is hereby enacted, that if any owner of a boat or catamaran so licensed, or any person deputed by him, shall demand a rate of hire beyond that which is sanctioned by Schedule B. under the several circumstances and restrictions therein provided for, he shall, on conviction before a Justice of the Peace, forfeit the sum of 10 Rupees, together with the amount of such hire.

Penalty of Rs. 20 for refusing without satisfactory cause to let out boats at specified times, and rates.

XIV. And it is hereby enacted, that any owner of a boat or catamaran so licensed, "and kept or employed for the purpose of being let out commonly on hire," or any person deputed by him, refusing to let on hire such boat or catamaran, for public or private use, and within the hours and in the terms specified in the Schedule B. to this Act, without assigning such cause for his refusal as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence, will, on conviction before a Justice of the Peace, be liable to the penalty of 20 Rupees, and for a second refusal to a fine of 100 Rupees and to the forfeit of his license.

Penalty for wilful neglect or desertion of duty by boatmen, 36 lashes or 6

XV. And it is hereby enacted, that if any boatman or boatmen serving in any boat or catamaran kept and employed for the purpose of being let out commonly on hire to carry

passengers, cargo or letters, shall by wilful neglect or desertion of his duty cause any impediment to the service of any such boat or catamaran, he or they shall for the first offence be liable to receive corporal punishment not exceeding three dozen lashes, on conviction before a Justice of the Peace; and if life shall have been thereby endangered, or in case of a second offence, he or they shall be committed to hard labour for a term not exceeding six months. — months' hard labour.

Owners of boats, &c., to keep for service during the night ten boats and four catamarans, by rotation.

XVI. And it is hereby enacted, that the owners of boats and catamarans, which are kept or employed for the purpose of being commonly let out for hire, shall keep and provide for service during the night, that is to say, from six o'clock in the afternoon until six o'clock in the morning, at least ten boats and four catamarans with their respective crews, according to a course of rotation to be specified by the Master Attendant on the first day of every current month, and to be notified in writing on some conspicuous part of his office as regards the particular nights for the attendance of particular boats and catamarans, and every owner of any such boat or catamaran who shall fail to provide his boat or catamaran, without assigning such excuse for such failure as shall be deemed satisfactory or reasonable to the Justice of the Peace trying such offence, shall, if the owner of a boat, on conviction before a Justice of the Peace, be liable to a penalty of 20 Rupees, and for a second offence to the penalty of 50 Rupees; and if the owner of a catamaran, be liable to the penalty of 5 Rupees, and for a second offence to the penalty of 10 Rupees. — Penalty.

Owner of boat kept for hire, to keep it sea-worthy.

XVII. And it is hereby enacted, that every boat kept and employed for the purpose of being commonly let out for hire as aforesaid, shall be kept well and completely dunnaged and sea-worthy, and in default thereof, the owner or owners of every such boat or boats shall, upon conviction before a Justice of the Peace, forfeit for each instance of neglect the sum of 5 Rupees; and, if any goods or cargo shall have received injury or damage thereby, the sum of 20 Rupees besides and over — Penalty.

and above any legal liability to compensate such loss; and if life shall have been endangered thereby, a sum not exceeding 100 Rupees, and also be liable at the discretion of such Justice to have his license for such boat revoked.

Boat, &c., not to communicate with any vessel before the Master Attendant's report boat, &c., has boarded her.

XVIII. And it is hereby enacted, that if any communication by boat or catamaran is held with any ship or vessel in the offing, or beyond the limits of the anchorage, before the Master Attendant's report boat or catamaran has boarded such ship or vessel, the owner of such boat or catamaran shall forfeit the sum of 20 Rupees, and if any attempt is made to hold such a communication without the permission of the Master Attendant, he shall incur a penalty of 10 Rupees.

Master Attendant, &c., may board any boat, &c., to search for smuggled goods and may examine baggage and search persons.

XIX. And it is hereby enacted, that it shall be lawful for the Master Attendant or his deputy, the Collector of Sea Customs or his deputy, and all sitting Magistrates and qualified Justices of the Peace, or such person or persons as he or they shall by warrant under their hands duly authorize for that purpose, from time to time to go on board any boat or catamaran and to search all parts of such boat or catamaran for prohibited or uncustomed or smuggled goods, and also to examine into all packages, boxes or baggage of whatever description, within or upon such boat or catamaran or landed therefrom, provided such Master Attendant or his deputy, or other person to be appointed as aforesaid, shall have good reason to suppose that any such package, box or baggage contains any smuggled or prohibited goods; and they shall likewise have power and authority to search any person or persons on board any such boat or catamaran, or who may have landed therefrom, provided such Master Attendant or his deputy, or other person appointed as aforesaid, shall have good reason to suppose that such person or persons hath or have any uncustomed, smuggled or prohibited goods secreted about his or her persons; Provided always, that no female shall be searched by any other person than a female duly authorized for that purpose by the Collector of Customs; and it is hereby further enacted, that if any person shall resist to impede any or either of the said

parties hereinbefore authorized to go on board, examine and search as hereinbefore provided, in the execution of their duty, or in any manner prevent the performance of such duty, every such person shall be liable, according to the circumstances of the case and the quality of the party offending, upon conviction before a Justice of the Peace, to fine not exceeding 100 Rupees, or to imprisonment with or without hard labour on the roads or otherwise for a period not exceeding six months, and in case any such offence be committed by any owner of a boat or catamaran such owner shall likewise forfeit his license.

Penalty for resisting search.

XX. And it is hereby enacted, that the Sections 3, 4, 7, 8, 9 and 10, of the Rule, Ordinance and Regulation passed by the Governor in Council of Fort St. George, commonly called the Marine Police Regulation, be hereby cancelled and repealed.

Certain sections of the Marine Police Regulation repealed.

XXI. And it is hereby enacted, that the jurisdiction and authority ordained to be exercised by the Master Attendant and Deputy Master Attendant for the time being of the port of Madras jointly or severally as Justices of the Peace, by virtue of the hereinbefore recited Regulation, shall and may be exercised (as regards such parts of the said Regulations not hereinbefore repealed) by any Justices of the Peace in and for the Presidency of Madras in like manner jointly or severally.

The jurisdiction given by the Marine Police Regulation to the Master Attendant or his deputy may be exercised by Justices of the Peace.

XXII. And it is hereby further enacted, that every person whatever, who, either as owner or servant, shall use or employ or be employed in any boat or catamaran in the Madras Roads, shall be amenable to Sections 11, 12 and 13, of the above recited Regulation.

All persons using boat, &c., in the Madras Roads to be amenable to Sections 11—13 of the said Regulation.

XXIII. And it is hereby further enacted, that Section 36 of the above recited Regulation shall hereafter apply to the fixing up at the offices therein mentioned copies of the same, omitting all other notice of those Sections thereof which are by this Act repealed, save that the same are so repealed.

Section 36 of the said Regulation how to be applied.

All pecuniary penalties under this Act to be adjudicated by any Justice of the Peace and to be levied by distress and sale.

XXIV. And it is hereby enacted, that all pecuniary forfeitures and penalties had or incurred under or against this Act shall and may be heard and determined by any Justice of the Peace of the town of Madras, who is hereby empowered and authorized to hear and determine the same, and to issue his summons or warrant for bringing the party or parties complained of before him the said Justice, and upon his, her or their appearance or contempt and default to hear the parties, examine witnesses and to give judgment or sentence according as in and by this Act is directed; and it is hereby further declared that it shall be lawful for any Justice who may have adjudged any pecuniary penalty under the provisions of this Act to award and issue out a warrant or warrants, under his or their hands and seals, for the paying of such forfeitures and penalties as may be imposed or adjudged upon the goods and chattels of the offender, and cause sale to be made of the same if they shall not be redeemed within six days, rendering to the party the overplus, if any, after deducting the amount of such forfeiture or penalty, and the costs and charges attending the levying thereof; and in case sufficient distress shall not be found, and such forfeitures and penalties shall not be forthwith paid, it shall and may be lawful for the Justice as last aforesaid, and he is hereby authorized and required, by warrant or warrants under his hand and seal, to cause such offender or offenders to be committed to prison, there to remain for any time not exceeding six months unless such forfeitures and penalties and all reasonable charges shall be sooner paid and satisfied, and that all the said forfeitures when paid and levied shall, after deducting all necessary charges and also a compensation not exceeding one-third, to be settled and ascertained by the said Justice before whom the conviction may take place, and to be given to the officer or other persons giving information and prosecuting, be applied and disposed of according to the directions of the honorable the Governor in Council.

SCHEDULE A.

SCHEDULE of Articles composing a boat load.

I. GOODS taken by WEIGHT OF MEASUREMENT.

These articles are computed at 2 tons to a boat load.

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf.	REMARKS.
Benjamin	boxes	25	20	small.
	bundles	60		
	chests	12	...	half.
Biscuits	bags	30		
Boat Oars	No.	100		
Boots and Shoes	cases	8	6	small.
		6	4	large.
Butts	No.	3	2	
Broad Cloth	bales	8	6	large.
		10	8	middling.
		12	10	small.
Button	cases	6	4	
Beef	tierces	8		
	hogshead	6		
Carriage	No.	1		
Cotton screwed	bales	8	...	of 300 lbs.
		10	...	250 „
		12	...	150 „
Ditto loose	bags	16		
Codjoor Nuts	bundles	10	8	
Cocoanuts	No.	1000	...	with husk.
		1500	...	without ditto.
	bags	25	...	small.
		20	...	large.
Chests	No.	4	3	12 dozen.
Ditto half	No.	8	6	6 ditto.
Canvas	bales	4	3	20 bolts each.
Clothing	bales	8	6	3 corges each.
		10	8	2 do. do.
		12	10	1 do. do.
Cheacoy	bundles	20	15	
Chillies	ditto	20	15	
Choya Root	ditto	6	...	large.
		8	...	small.
Cochineal	boxes	12	10	
Cinnamon	bags	35	30	
Camphire	boxes	12		
Cloves	bags	40	...	80 lbs. weight each bag.
Curry Stuff Seeds	bags	25	20	Ramiapatam bags.
Dates	bags	35	25	when from Bombay.
Ditto	tons	2	1½	when the packages are [various.
Drugs	bags	12	10	
Eating Leaves	bundles	40		
Flour	casks	8	6	
Grain — Ramiapatam	bags	20	...	shipping.
		25	...	landing.
Grain — Bengal	bags	25	...	shipping.
		30	25	landing.

Articles.	Packages.	Fair weather.	Foul weather or high surf.	Remarks.
Glass Ware	chests	6	...	whole.
		12	...	half.
Gunny	bundles	6	...	large.
		12	...	small.
Gun Powder	barrels	25	...	100 lbs. each.
		30	...	60 do. do.
Gallingale	bundles	25		
Gin	cases	30		
Gun Carriage	No.	1	...	complete with wheels from 3 to 24 pounders.
Ginger Dry	bags	30		
Hay	bales	8	6	
Horns	No.	1000		
Hogsheads	No.	6	4	
Hams	No.	120		
Indigo	chests	8	...	whole.
		12	...	half.
Leaguers	No.	2		
Nankeen	boxes	20		
Nuts	bags	30		
Pickle, Europe	boxes	30	20	
Palanquin	No.	1		
Piece Goods	bales	6	...	large 3 and } bales for China.
		8	...	small 4
Pumpkins	No.	100	...	large.
		250	...	small.
Puncheons	No.	4	3	
Pipes	No.	3	2	
Ditto half	No.	6	4	
Pork	tierces	8		
	casks	8	6	
Pepper	bags	35	25	
Rafts — Artees	No.	12	10	large.
		20	...	small.
Rafts — Bindoo Plank	No.	25		
Rafts — Chittagong do	No.	25	20	
Rafts — Duggies	No.	1	...	large } shipping.
		2	...	small } shipping.
		8	...	large } landing.
		12	...	small } landing.
Rafts — Mango do.	No.	20	...	landing.
		10	...	shipping.
Rafts — Shimbeams	No.	20	...	landing.
		8	...	shipping.
Rafts — Spars	No.	1	...	large.
		4	...	small.
Rattans	No.	250	...	100 in a bundle.
		500	...	50 in do.
Reapers	No.	60	...	10 in do.
Saddlery	cases	8	6	
Shark's Fins	bundles	3		
Sheathings Boards	No.	120	...	double.
		150	...	single.
Soap Nut	bags	30		
Spices of all sorts	bags	10	...	large.
		20	...	small.
Stationery	cases	6	4	
Staves	packs	20		

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf.	REMARKS.
Stick Lac	bags	30		
	bundles	40		
Sugar	casks	4		
Ditto	lumps	50	...	large.
		70	...	small.
Ditto of Batavia	canisters	6		
Ditto of Bengal	bags	20		
Ditto ditto	chests	6		
Ditto China	small packages	40		
Sugar Candy	tubs	25		
Ditto ditto	½ do.	50		
Tents	setts	6	...	private two-poled tents.
Tamarind	bags	15		
Ditto Bengal	bags	20		
Thread	bundles	7	6	
Tabacco	bags	30		

II. DEAD WEIGHT.

Computed at 1½ ton per boat load.

ARTICLES.	Packages.	Fair weather.	Foul weather or high surf.	REMARKS.
Anchor	No.	1	...	of 12 cwt. small anchors and grapnels in like proportion.
Arms	chest	12	...	12 muskets each.
Black Wood	candies	6	...	shipping.
		7	...	landing.
Copper Sheet	chests	6	4	
	cases	4	3	
	slabs	100	80	large.
Gun Iron or Brass	No.	3	...	3 pounders.
		2	...	4 or 6 ditto.
		1	...	9 ditto.
Japan	Chests	10	8	
Metals of all kinds	tons	1½		
Nails	tons	1½		
Red Lead	tons	1½		
Red Wood	tons	1½		
Sandal Wood	tons	1½		
Salt	bags	25		
Saltpetre	bags	25		
Shells	No.	20	...	13 inches.
		100	...	10 or 8 do.
		250	...	5½ do.
		300	...	4½ do.
Shot	No.	150	...	24 pounders.
		200	...	18 do.
		300	...	12 do.
		400	...	9 do.
		500	...	6 do.
Treasure	boxes	6	4	

III. MISCELLANEOUS ARTICLES.

ARTICLES.		Packages.	Fair weather.	Fair weather or high surf.	REMARKS.
Bullocks		No.	2		
Coals		Tons	2	1½	
Cow and Calf		No.	1		
Fire Wood.	Ramiapatam	500	...	...	large.
		1000	...	...	small.
	Candarungum	600			
	Checurucottah	2000			
	Alumbarary	2000			
	Kistnapatam	1000			
	Alepanum	150			
	Cuddalore	1500			
	Acheedandoo	2000			
	Rangoon	2000			
Ghee and Oil		dubbers	25		
Horse		No.	1		
Linseed Oil		jars	20		
Loose Oakum		whatever quantity can be stowed conveniently.			
Pecul wgts. of all kinds.		peculs	30	25	
Pigs		No.	15		
Ponies		No.	2		
Poultry		baskets, any quantity that can be stowed conveniently.			
Sand, Ballast		tons	2	1½	
Seed Cocoanut		No.	200		
Sheep		No.	30		
Tar		barrels	8	6	
Tarpaulin		No.	30		

The Number of Passengers composing a boat-load.

Europeans .... 12 persons.
Natives .... 15 „

N. B.—Two children are to be considered equal to one grown up *person.*

SCHEDULE B.

Maximum rate of boat and catamaran hire.

Accommodation Boats.

		Rs.	A.	P.
Ordinary Trip South or North Road,	per trip	3	8	0
Extra hire in and beyond 9 fathoms,	ditto	1	8	0
Foul Weather Trip,	ditto	6	0	0
Transhipment,	ditto	1	0	0

Common Boats.

		South Road.			North Road.		
Ordinary Trip,	per trip	1	8	0	0	15	0
Ballast ditto,	ditto	1	10	0	1	0	0
Ballast in and beyond 9 fathoms,	ditto	2	10	0	2	0	0
Return Trip,	ditto	0	12	6	0	8	0
Return Trip in and beyond 9 fathoms,	ditto	1	8	0	0	15	0
Water Ordinary Trip,	ditto	3	8	0	3	0	0
Water in and beyond 9 fathoms,	ditto	4	3	0	3	2	6
Trip in and beyond 9 fathoms,	ditto	2	12	0	2	2	0
Transhipment,	ditto	0	15	0	0	15	0
Transhipment in and beyond 9 fathoms,	ditto	1	14	3	1	14	3
Foul, in and beyond 9 fathoms,	ditto	4	3	0	3	2	6

Small Catamaran.

		Rs.	A.	P.
Ordinary Trip South or North Road,	per trip	0	5	0
Foul Weather, or in or beyond 9 fathoms,	ditto	0	10	0
Catamaran for rafting Timber,	per day	1	0	0

Large Catamaran Hire.

	Rs.	A.	P.
For Landing or Shipping an Europe Cable of 13 to 16 Inches,	18	12	0
For ditto of 17 to 22 Inches,	28	8	0
For Shipping Chain Cables, per trip	18	12	0
For ditto an Anchor from 14 to 29 Cwt.	18	12	0
For ditto an Anchor from 30 to 50 Cwt.	28	12	0
For making a rope fast to an Anchor under 12 Cwt.	10	0	0
For ditto ditto above 12 and under 20 Cwt.	20	0	0
For ditto ditto above 20 Cwt.	35	0	0

Tarpaulin.

	Rs.	A.	P.
Per Trip,	0	4	0

Water Casks.

Per Trip (4 Casks),	0	9	5

Extra Hire in addition to the Regulated Charges for Boats and Catamarans.

	Accommodation Boat			Common Boat.			Catamaran.		
South Road trips between 6 and 8 P. M.,	1	12	0	0	12	0	0	2	6
North Road trips ditto ditto,	1	12	0	0	7	6	0	2	6
South Road trips between 8 P. M. and 5 A. M.,	3	8	0	1	8	0	0	5	0
North Road trips ditto ditto,	3	8	0	0	15	0	0	5	0
Boats or Catamarans detained alongside for every three hours during the day or night,	3	8	0	1	8	0	0	5	0
Boats or Catamarans employed between the Commissariat Granary and Parry and Co.'s Office,	0	14	0	0	6	0	0	1	3
Ditto between Parry and Co.'s and the Tunnel,	1	12	0	0	12	0	0	2	6
Ditto between the Tunnel and the Sea Gate,	2	5	4	1	0	0	0	3	4
Ditto between the Sea Gate and the Marine Villa,	4	10	8	2	0	0	0	6	8
Ditto between Marine Villa and Adyar,	7	0	0	3	0	0	0	10	0
Ditto North of Royapooram,	1	12	0	0	9	6	0	2	6
Ditto Trivatoor Ennore,	10	8	0	3	9	0	0	15	0
Beyond the limits of the Anchorage,	1	8	0	1	8	0	0	5	0
Boats employed on Sundays,	1	8	0	0	9	0	0	2	0

N. B. The ordinary period within which boats and catamarans shall be let on hire, shall be between sunrise and sunset.

BOMBAY.

ACT No. V. OF 1862.

1. *The Governor in Council may fix the amount of tax to be paid for liquor license.*

2. *Licenses may be recalled or withheld if the tax is not duly paid. Penalties for vending liquors without a license.*

An Act concerning payment on account of licenses for the sale of spirits in the Islands of Bombay and Colaba.

I. It is hereby enacted, that whenever a license to retail spirituous liquors in the Islands of Bombay and Colaba shall be granted under the provisions of Act XVIII. of 1840, the officers granting such licenses shall be authorized to demand such fee, tax, or duty in consideration of the privileges granted as may from time to time be fixed by such officers under the sanction of the Governor of Bombay in Council. And such fee, tax, or duty may be made payable in advance, or at such period as may be settled under such authority as aforesaid.

II. And it is hereby enacted, that it shall be lawful for the officers granting such licenses to withhold or recall the same in case the fee, tax, or duty aforesaid be not duly paid according to the conditions upon which any such license shall be granted. And any person vending spirituous liquors within the Islands aforesaid whilst such license shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending spirituous liquors without a license.

BOMBAY.

ACT No. VI OF 1842.

Repeals Regulation XXIX. 1827, and Regulation VII. 1830, as to specified villages; and subjects other specified villages to the Acts, &c. in force in the Presidency of Bombay.

An Act for annexing to the British territory certain villages belonging to the late Nepanee Jagheer, and acquisitions by exchange from the Sattara State, and for bringing under the Regulations an Inam village of Purgunnah Yelloor.

Whereas the villages lately composing the Nepanee Jagheer have lapsed to Government, and it has been deemed desirable, in order to the better consolidation and management of the British and Sattara territories, to exchange certain villages for mutual convenience, and whereas the village of Deshoor in Pergunna Yelloor, though held in Inam under the British Government, has not yet been brought under the Regulations.

It is hereby enacted, that, from the time of passing this Act, so much of Regulation XXIX. of 1827, and Regulation VII. of 1830, as relates to the undermentioned seven villages, viz.

Jaleehall, Purgunna Honwar.

Teengnee Beedree, Purgunna Ghota.

Hongunhullee, Karjol, ... } Purgunna Moolwad.

Oopuldinee, Purgunna Mokumudapoor.

Allasundeh Prant Ragul.

Boblad, Purgunna Burdole.

And so much of Act VIII. of 1839, as relates to the undermentioned four villages, viz.

Kusba Ashta, Kuryat Ashta, ... and Sumdolee, and Kuryat Sanglee, ... } Prant Meeruj,

Moje Koondul, ... and Maje Ponudee, } Turuf Valwe Prant Punnala,

shall be rescinded; and that the following villages shall be subject to all Acts and Regulations which are or shall be in force within the territories subject to the Presidency of Bombay.

Nineteen Villages of Purgunna Neergoondee.

1 Kusba Neergoondee.	10 Moje Eettgee.
2 Moje Hebbal.	11 Ditto Rajnal.
3 Ditto Keersal.	12 Ditto Bidnal.
4 Ditto Abbihal.	13 Ditto Korganoor.
5 Ditto Yelgoor.	14 Ditto Aldinnee.
6 Ditto Kasinkoontee.	15 Ditto Gonal.
7 Ditto Boodihal.	16 Ditto Katapoor.
8 Ditto Musootee.	17 Ditto Dowlapoor.
9 Ditto Mooddapoor.	18 Ditto Murikuttee.
19 Moje Neerulbhavee.	

Twelve Villages of Purgunna Chandkowte.

1 Kusba Chandkowte.
2 Mojo Chutterkee.
3 Ditto Roogee.
4 Ditto Moolsawulgee.
5 Ditto Aheree.
6 Ditto Jumbgee.
7 Moje Daberee.
8 Ditto Eetunhullee.
9 Ditto Gugunhullee.
10 Ditto Solapoor.
11 Ditto Hunchinol.
12 Ditto Kurulwar.

Seven Villages of Purgunna Ooklee.

1 Moje Donoor.
2 Ditto Neginhal.
3 Ditto Moollal.
4 Moje Kuggoor.
5 Ditto Hurgullee.
6 Ditto Hurginhal.
7 Moje Honutgee.

Seven Villages of Purgunna Nuldroog.

1 Moje Kesurzuwulgee.
2 Ditto Moostee.
3 Ditto Sulgur.
4 Moje Arlee.
5 Ditto Kalegaon.
6 Ditto Ebhrampoor.
7 Moje Kakrumb.

Five Isolated Villages.

1 Moje Pooluz, Purgunna Mohul.
2 Ditto Hurulgee, Purgunna Kulboorga.
3 Ditto Hottgee, Purgunna Ahirwaree.
4 Ditto Award, Purgunna Mundroop.
5 Ditto Moogulee, Purgunna Maindurgee.

Twenty-four Villages of Purgunna Hortee.

1 Kusba Hortee.
2 Moje Kolooigee.
3 Ditto Domnal.
4 Ditto Kunchinal.
5 Ditto Muknapoor.
6 Ditto Boblad.
7 Ditto Hudulsung.
8 Ditto Nimbal Boodrook.
9 Ditto Nimbal Khoord.
10 Ditto Kunnal.
11 Ditto Bomunhullee.
12 Ditto Agusnal.
13 Moje Busnal.
14 Ditto Sawulsung.
15 Ditto Hulgoonkee.
16 Ditto Goondwan.
17 Ditto Sonkunhullee.
18 Ditto Koorgee.
19 Ditto Morusnal.
20 Ditto Deginal.
21 Ditto Goonkee.
22 Ditto Turgoondee.
23 Ditto Kottnol.
24 Ditto Kupnimburgee.

Twenty-eight Villages of Purgunna Hulsungee.

1 Kusba Hulsungee.
2 Moje Yelgee.
3 Ditto Turiwaree.
4 Ditto Arjnal.
5 Ditto Bhairungee.
6 Ditto Boodihal.
7 Ditto Keroor.
8 Ditto Chunegaon.
9 Ditto Anjotgee.
10 Ditto Dhoolkhur.

11 Ditto Purnoor.
12 Ditto Bewnoor.
13 Ditto Chorgee.
14 Ditto Munn Ankulgee.
15 Moje Mahnhullee.
16 Ditto Murgoor.
17 Ditto Chouryal.
18 Ditto Hingne.
19 Ditto Burgoondee.
20 Ditto Ahersung.
21 Ditto Mailar.
22 Ditto Seergoor.
23 Ditto Anchee.
24 Ditto Nundral.
25 Ditto Seernal.
26 Ditto Lonee Khoord.
27 Ditto Bulolee.
28 Ditto Jhulkee.

Twenty-four Villages of Purgunna Bagewaree.

1 Moje Moottgee.
2 Ditto Engleshwur.
3 Ditto Salwargee.
4 Ditto Heepurgee.
5 Ditto Dindwar.
6 Ditto Rubnal.
7 Ditto Deginal.
8 Ditto Tukulkee.
9 Ditto Oottnal.
10 Ditto Munoor.
11 Ditto Hullihal.
12 Ditto Kuribuntnal.
13 Moje Hoonshal.
14 Ditto Hoolbenchee.
15 Ditto Hunchinal.
16 Ditto Agusbal.
17 Ditto Ewungee.
18 Ditto Kamunkeree.
19 Ditto Boodihal.
20 Ditto Ooppuldinee.
21 Ditto Nursungee.
22 Ditto Nagoor.
23 Ditto Ambulnoor.
24 Ditto Sunknal.

Thirteen Villages of Purgunna Annigeree.

1 Kusba Annigeree.
2 Moje Hullikeree.
3 Ditto Saswihullee.
4 Ditto Kondikopp.
5 Ditto Bussapoor.
6 Ditto Bhudrapoor.
7 Moje Untoor.
8 Ditto Saidapoor.
9 Ditto Munjegood.
10 Ditto Kawulwar.
11 Ditto Hullihal.
12 Ditto Bunnoor.
13 Moje Nagnoor.

Fifteen Villages of Purgunna Uthnee.

1 Kusba Uthnee.
2 Moje Azor or Yemmihal.
3 Ditto Siroor.
4 Ditto Nagnoor.
5 Ditto Jumbgee.
6 Ditto Sewnoor.
7 Ditto Mullabad.
8 Moje Bewnoor.
9 Ditto Yekunchee.
10 Ditto Burchee.
11 Ditto Koulgood.
12 Ditto Sinal.
13 Ditto Musurgooppee.
14 Ditto Hunmapoor.
15 Moje Kirugeree.

Sixteen Villages of Purgunna Honwar.

1 Kusba Honwar.
2 Moje Kukmuree.
3 Ditto Bijjurgee.
4 Ditto Kotulgee.
5 Ditto Kohullee.
6 Ditto Yellihudulgee.

7 Ditto Bargee.
8 Ditto Aigullee.
9 Moje Uluginhal.
10 Ditto Babanuggur.
11 Thana Telsung.
12 Moje Urtal.
13 Ditto Bunnoor.
14 Ditto Kunnal.
15 Ditto Halhullee.
16 Ditto Kunmura.

Six Villages of Purgunna Gureekokutnoor.

1 Kusba Gureekokutnoor,
2 Moje Suttee.
3 Ditto Dodwar.
4 Moje Junwar.
5 Ditto Bulwar.
6 Ditto Korganoor.

Fifteen Villages of Purgunna Gulgullee.

1 Kusba Gulgullee.
2 Moje Amuljhuree.
3 Ditto Kaloor.
4 Ditto Yerhullee.
5 Ditto Rubkuvvee.
6 Ditto Gunnee.
7 Ditto Hunchinal Khoord.
8 Moje Hunchinal Boodrook.
9 Ditto Chowrapoor.
10 Ditto Boodnee.
11 Ditto Bulwalmottee.
12 Ditto Booddihal.
13 Ditto Goolbal.
14 Ditto Bisnal.
15 Moje Moondugnoor.

The following Nine Isolated Villages.

1 Moje Hipurgee, Purgunna Jumkhundee.
2 Ditto Nipanee, } Kuryat Latt.
3 Ditto Seergoopee, } Kuryat Latt.
4 Ditto Belkhor, Kuryat Kubboor.
5 Ditto Mudunbhavee, Kuryat Naysurgee.
6 Seergaon, dependant on the fort of Heeree Gundhurvgurh.
7 Bhiwsee, Prant Kagul.
8 Moochundee, Purgunna Jutt.
9 Deshoor, Purgunna Yelloor.

BENGAL.

ACT No. VII. OF 1842.

Reg. XIX. 1797, Sec. 5, and Reg. IV. 1803, Sec. 33, repealed.

An Act for repealing certain provisions of the Bengal Code regarding translations.

Whereas the rules regarding the rate of payment for translations of proceedings and other documents for the use of the Civil Courts, fixed by Section 5, Regulation XIX. 1797, and Section 33, Regulation IV. 1803, of the Bengal Code, require amendment.

It is hereby enacted, that Section 5, Regulation XIX. 1797, and Section 33, Regulation IV. 1803, be repealed.

ACT No. VIII. OF 1842.

Repealed by Act XVII. 1862.

ACT No. IX. OF 1842.

SUPREME COURTS.

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1. *Extends to British territories in India the Statute 4 and 5, Vic. c. 21, for rendering a release as effectual as a lease and release.*
2. *Recital of a lease for a year to be conclusive evidence of it.*
3. *Interprets the word "Freehold."*

An Act for extending the Statute Ch. XXI. 4th and 5th of Queen Victoria in certain cases to the territories of the East India Company.

I. It is hereby enacted, that the Statute Ch. 21, of the 4th and 5th years of the reign of Queen Victoria, entitled "An Act for rendering a release as effectual for the conveyance of freehold estates as a lease and release by the same parties," shall be extended to the territories of the East India Company from the first day of October next; provided always, that this Act shall not be construed to affect any case which would not have been governed by the law of England before the passing of the aforesaid statute if this Act had not passed, and provided, that every deed or instrument of release taking effect under this Act shall be expressed to be made in pursuance thereof; and it shall not be necessary that it be expressed to be made in pursuance of the statute aforesaid.

Extends to British India the Stat. 4 and 5 Vict c. 21, for rendering a release as effectual as a lease and release.

An Act for rendering a release as effectual for the conveyance of freehold estates as a lease and release by the same parties.

(18th May, 1841)

"Whereas it is expedient to lessen the expense of conveying freehold estates." Be it enacted by the Queen's most

excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons, in this present Parliament assembled, and by the authority of the same, that every deed or instrument of release of a freehold estate, or deed or instrument purporting or intending to be a deed or instrument of release of a freehold estate, which shall be executed on or after the 15th day of May, 1841, [and shall be expressed to be made in pursuance of this Act,] shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate, in all respects both at Law and Equity, as if the releasing party or parties who shall have executed the same had also executed in due form a deed or instrument of bargain and sale or lease for a year for giving effect to such release, although no such deed or instrument of bargain and sale or lease for a year shall be executed; Provided that every such deed or instrument so taking effect under this Act shall be chargeable with the same amount of stamp duty as any bargain and sale or lease for a year would have been chargeable with (except progressive duty) if executed to give effect to such deed or instrument, in addition to the stamp duties which such deed or instrument shall be chargeable with as a release or otherwise under any Act or Acts relating to stamp duties.

Recital of a lease for a year to be conclusive evidence of it.

II. "And whereas many deeds or instruments of bargain and sale or leases, for a year, to give effect to deeds or instruments of release of freehold estates heretofore executed, have been lost or mislaid;" be it enacted, that where, in or by any deed or instrument of release of freehold estates executed before the 15th day of May, 1841, any deed or instrument of bargain and sale, or lease for a year for giving effect to such deed or instrument of release shall be recited, or by any mention thereof in such deed or instrument of release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the deed or instrument of bargain and sale or lease for a year so recited or mentioned having been made and executed; and such deed or instrument of release shall also have the like effect as if

the same had been executed after the 15th day of May, 1841, whether such deed, or instrument of bargain and sale, or lease for a year shall or shall not have been lost or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any proceeding at Law or in Equity pending at the time of the passing of this Act, in which the validity of any bargain and sale or lease for a year shall be in question between the party claiming under such bargain and sale or lease for a year and the party claiming adversely thereto, and such bargain and sale or lease for a year, if the result of such proceedings shall invalidate the same, shall not be rendered valid by the Act.

III. And be it enacted, that, in the construction of this Act, the word "freehold" shall have not only its usual signification, but shall extend to all lands and hereditaments for the conveyance of which, if this Act had not been passed, a bargain and sale or lease for a year, as well as a release, would have been used.

ACT No. X. OF 1842.

Repealed by Act XXVI. 1850.

ACT No. XI. OF 1842.

Repealed by Act XIX. 1854.

ACT NO. XII. OF 1842.

GENERAL.

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1. *Person residing within any Military cantonment, &c. not to recover in a Military Court of Requests, unless registered as a Military bazarman.*
2. *Extends Acts XI. and XXVIII. 1841, the latter since repealed, to all camp followers.*

An Act for the better regulation of Military bazars, and defining the liabilities of camp followers.

I. It is hereby enacted, that no person residing within the limits of any Military cantonment and carrying on trade therein, or who shall have been a trader at any Military cantonment, shall be allowed to recover in any Military Court of Requests for the Native Troops of the East India Company, held within any such cantonment, any debt contracted in the way of trade, or for the loan of money within any such cantonment, by any person subject to the jurisdiction of such Court, unless the person seeking to recover the debt shall at any time of contracting thereof have been registered as a Military bazar-man within any such cantonment.

II. And it is hereby declared, that all persons serving with any part of the army and receiving public pay in any capacity, menial servants, and other camp followers of every description, shall be subject to the provisions of Acts No. XI. of 1841, and No. XXVIII. of 1841,* in like manner as enlisted soldiers.

BOMBAY.

ACT NO. XIII. OF 1842.

1. *Governor in Council may grant to any Jagheerdar, Inamdar, &c. commissions for the collection of revenue.*

2. *Such commission may be withdrawn at pleasure.*

3. *Holder of commission may demand security for payment of revenue, and take precaution under Reg. XVII. 1827, Sec. 11.*

4. *And may send mohussuls on defaulters under Sec. 12. of same Regulation.*

5. *And may attach property of defaulters, reporting immediately to the Collector, who, if the demand appear just, shall order and, except in certain cases, conduct the sale.*

6. *Compulsory process to cease on defaulter furnishing security to institute a suit to try the demand &c. Penalty for continuing process, forfeiture of three times the revenue.*

7. *In certain cases the enforcement by the holder of a commission of any demand for revenue beyond the amount due; to be deemed extortion, but such holder not to be hereby prevented from instituting suit for re-assessment.*

8. *Compulsory process to be applicable only in regard to revenue of the current and next preceding seasons.*

* This Act has since been repealed by Act XXIX. 1861.

An Act to enable the holders of revenue, which has been alienated to them by the State, to collect that revenue within the Presidency of Bombay.

Governor in Council may grant to any Jagheerdar, &c., commissions for the collection of revenue.

I. Whereas it is expedient to authorize the grant by the Governor in Council of Bombay, at his discretion, of commissions to certain Jagheerdars and others, by virtue of which such persons shall possess increased powers for collecting the revenue due to them;

It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, to grant to any Jagheerdar, Surinjamdar, Inamdar, or other person holding lands or villages, the revenue of which has been alienated to him by the State, a commission conferring upon him authority for the collection of such revenue by the powers hereinafter mentioned, or such of them as shall be specified in the commission, in addition to the powers now exercisable by law.

Commission may be withdrawn at pleasure.

II. And it is hereby enacted, that such commission, which shall be drawn out according to the form of the annexed Schedule A. shall be granted or withheld, and, when granted, shall be liable to be withdrawn, at the pleasure of Government, and that it may, if the Governor in Council of Bombay see fit, be issued to one or more agents of such holder of alienated revenue as well as to the holder in person.

Holder of commission may demand security for payment of revenue.

III. And it is hereby enacted, that the holder of such commission shall have authority to demand security for the payment of the revenue, in respect of the lands or villages specified in the commission, and if the same be not furnished, to take such precaution as the Collector is authorized to take under Section 11, Regulation XVII. of 1827, Bombay Code.

And may send mohussuls on defaulters under Sec. 12.

IV. And it is hereby enacted, that the holder of such commission shall have authority to send mohussuls on defaulters under provisions of Clauses 2, 3 and 5, Section 12, Regulation XVII. of 1827, Bombay Code, provided that one foot mohussul only be employed in each case, and that the

mohussullee shall cease on the enforcement of any other remedy for the collection of the revenue, except the taking of such security as aforesaid.

And may attach property of defaulters, reporting immediately to the Collector.

V. And it is hereby enacted, that the holder of any such commission shall be authorized to attach the property of persons making default in the payment of such revenue as aforesaid, making an immediate report to the Collector or his assistant of his having done so; and, should the demand on account of which the attachment may be made appear to the Collector or his assistant to be just, he shall give orders for the sale of such property, and the sale shall be conducted agreeably to the provisions of Clause 7, Section 12, Regulation XVII. of 1827, Bombay Code, except in cases in which the holder of the commission by whom the attachment has been made shall be a Jagheerdar, Surinjamdar or Inamdar, vested by Regulation XIII. of 1830, with civil jurisdiction and with power to execute his own decrees, or his agents, when the sale shall be conducted by him and not by the Collector and his subordinate revenue officers.

Compulsory process to cease on defaulter furnishing security to institute a suit to try the demand, &c.

VI. And it is hereby enacted, that all compulsory process under this Act shall cease on the alleged defaulter furnishing security to the holder of the Commission, or to the Colector or Assistant Collector of the district, to institute a suit within 15 days in a competent Court for the purpose of trying the demand, and to pay the amount which may be decreed against him with costs and interest in such Court: Provided that such suits in which any one of the privileged classes established by Regulation XXIX. of 1827, Sections 3 and 4, and by Regulation VII. of 1830, Bombay Code, may be the defendant, shall be tried before the Collector and his Assistants, anything in Regulations I. and XVI. of 1831 notwithstanding. And any holder of any such commission as aforesaid, by himself or his agents proceeding with any compulsory process under this Act after the furnishing of such security as aforesaid, or after the due tender thereof, shall forfeit three times the amount of the revenue sought to be recovered by such compulsory process.

Penalty.

VII. And it is hereby enacted, that if the revenue or rent payable to a Jagheerdar or other holder of Government alienated lands or villages shall have been fixed by a Government officer before the grant of the land in free tenure, or if the rent or revenue tendered by any ryot or other person be at the usual rate payable according to the custom of the village aud purgunna as declared by the Koolkurnee, and other local officers of revenue, the enforcement of a demand by any holder of a commission under this Act of an excess of rent or revenue beyond the amount due as above provided shall be deemed to be extortion, and the person against whom such demand shall have been enforced shall obtain, upon any judgment being passed after regular or summary trial, three times the amount of any such excessive demand as damages for the same. Provided, however, that nothing herein prescribed or contained shall prevent a holder of alienated lands or villages from instituting a suit in any Court of competent jurisdiction, for the purpose of establishing his claim to re-assess the lands or re-settle the revenue of any ryot or other who may be paying less than the full jumma to which he is justly liable, and, upon such holder obtaining a decree adjudging to him such power, the demand made by him under such decree shall, if conformable thereto, be deemed a legal demand for arrears, and shall be leviable by the same process as is above provided for other arrears due.

The enforcement of any demand for revenue beyond the amount due; to be deemed extortion, but holder not to be prevented from instituting suit for re-assessment.

VIII. And it is hereby enacted, that the power conferred by such commission shall extend to the enforcement of the payment of the current season, and of the season next immediately preceding, and not to that of former years.

Compulsory process to be applicable only in regard to revenue of the current and next preceding seasons.

SCHEDULE A.

Form of commission to be issued to a holder of alienated revenue or his agent for enabling him to recover such revenue.

Seal.

The Governor in Council of Bombay, by virtue of the powers vested in him by Act No. XIII. of 1842, is pleased to confer on you (Jagheerdar, &c.,

or agent, &c., as the case may be) power to realize all revenue demands due to you (or to your principal) from the villages and lands specified in this commission in the manner prescribed in (or in Section ——— of) this Act.

The villages and lands over which the power thus conferred upon you extend are as follows.

(Here enter the description,)

The within delegated power is vested in you during the pleasure and subject to the recall of the said Governor in Council.

Signed ———

ACT No. XIV. OF 1842.

Repealed by Act XIV. 1856.

ACT No. XV. OF 1842.

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1. *Recites the order of Her Majesty observed at Mauritius with regard to em in number. Repeals Act XIV. 1839 as sidency towns.*

2. *Laborers, natives of British In Mauritius from the Presidency towns; this Act.*

3. *Government of each Presidency n nominated by the Government of the Ma[illegible] monthly reports to Government.*

4. *Native emigrants not to be conveyed to Mauritius except in licensed ship. Master of such ship to bind himself in Rupees 10,000 to conform to provisions of this Act. Penalty on Master of ship conveying emigrants without license, Rupees 1,000 for every emigrant.*

5. *Master not to receive emigrant without his certificate.*

6. *Ship not to be cleared for Mauritius with any emigrant on board without certificate.*

7. *Probable lengths of voyage to Mauritius with reference to Schedule contained in Section 1, how to be estimated.*

8. *Master to deliver to Emigration Agent before obtaining port clearance the list specified in Act XI. of the Schedule.*

9. *Penalty of Rupees 200 for every emigrant taken on board without compliance with all the aforesaid particulars.*

10. *Penalty on Master of Rupees 500, for taking on board after clearance granted any emigrant not entered in the Emigration Agent's list.*

11. *Penalty of not more than Rupees 500, besides forfeiture of bond, on Master fraudulently doing or allowing anything, whereby the ship's certificate becomes inapplicable.*

12. *Preventive Officers and Pilots to be vested with same powers with regard to search and detention of vessels for the prevention of offences against this Act, as for prevention smuggling.*

13. *Penalty of Rupees 500 or imprisonment, on every person attempting by intoxication to export any native contrary to this Act.*

14. *Preventive Officer on board emigrant vessel to countersign each emigrant's pass, and to keep a register of emigrants on board, Crew and passengers to be mustered in presence of preventive officer and pilot before the former quits the vessel. Custom House Officer and Pilot to transmit separate reports without delay to the Emigrant Agent. Penalty for connivance or false report.*

15. *Penalty for forging, &c., any document under this Act.*

16. *Penalties under this Act, how to be enforced.*

An Act for regulating the emigration of the native inhabitants of the territories under the Government of the East India Company to the Island of Mauritius.

I. Whereas it hath been ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Majesty's Privy Council, as follows :

Recites the order of Her Majesty in Council prescribing rules to be observed at Mauritius with regard to emigrants. Sets forth those rules, 22 in number. Repeals Act XIV. 1839 partially.

At the Court at Windsor,

The 15th of January, 1842.

Present,

The Queen's Most Excellent Majesty.

His Royal Highness Prince Albert.

Lord President.	Lord Stanley.
Lord Privy Seal.	Lord Fitzgerald and Vesci.
Lord Steward.	Sir Robert Peel, Bt.
Lord Chamberlain.	Mr. Chancellor of the Exchequer.
Earl of Jersey.	Sir James Graham, Bt.
Earl of Ripon.	Sir Edward Knatchbull, Bt.

Whereas it is probable that the laws now in force in British India for preventing the emigration of the inhabitants thereof to Her Majesty's colonial possessions will be shortly repealed, so far as regards emigration to the Island of Mauritius, and that such last mentioned emigration will be sanctioned by laws to be for that purpose enacted in India, subject to

various provisions to be in such laws made for the protection of such emigrants, and for the preventien of abuses. And whereas it is probable that amongst the provisions so to be made, as last aforesaid, will be a provision for enabling the Governor-General of India to appoint at ports or places in India, officers charged with the care, protection and superintendence of all persons proposing to emigrate as labourers from India to Mauritius. And whereas it is probable that provision will be made by law at Mauritius for defraying from the public revenue of that island the expense of introducing emigration thither from British India. And whereas it is necessary that effectual provision should be made by law at Mauritius for regulating any such expenditure, and fer the prevention of abuses in the introduction of emigrants from British India into that Island. It is therefore hereby ordered, by the Queen's Most Excellent Majesty, by and with advice of Her Majesty's Privy Council, that in the event of any law being made in British India authorizing the emigration to Mauritius of the Natives of India, and repealing the restrictions now in force there in regard to such emigrations, and in the event of any such laws containing provisions enabling the Governor-General of India to appoint at the several ports of embarkation in India, officers charged with the protection of persons emigrating from such ports to Mauritius, the various rules and Regulations, comprised and set forth in the schedule to his present order subjoined, shall, within the Island of Mauritius, have the force and effect of law, and shall be observed and carried into effect by all Her Majesty's officers, Civil and Military, in Mauritius, and by all Her Majesty's subjects within the same Island as to them may respectively appertain.

And the Right Hon'ble Lord Stanley, one of Her Majesty's Principal Secretaries of State, is to give the necessary instructions herein accordingly.

(Signed) C. GREVILLE.

The Schedule referred to in the preceding order, comprising the rules and Regulations to be observed at Mauritius in regard to emigrants from British India, resorting to and arriving at that Island.

1st. The Governor of Mauritius may from time to time nominate such persons as he shall see fit to act as Emigration Agents at any port or place in India, which the Governor-General of India may designate as a port or place for the embarkation of emigrants to Mauritius, and may also from time to time nominate a proper person to act as protector of emigrants at Mauritius.

Nomination of Emigration Agent.

2nd. The remuneration to be given to any such Agent in India shall not depend upon or be regulated by the number of the emigrants sent to Mauritius by him, but shall be in the nature of an annual salary.

His remuneration.

3rd. Every such Emigration Agent shall ascertain by personal communication with every emigrant, previously to his or her embarkation from the port or place for which such agent shall be appointed, that such emigrant has not been induced to emigrate by any fraud, false nor unreasonable expectation, and is aware of the distance of Mauritius from the place where he or she is about to emigrate; and such Agent shall explain the real advantages likely to be derived by such emigrants from a removal to Mauritius, and at the same time caution such emigrant against unreasonable and unwarrantable expectations; and such agent shall also ascertain that every such emigrant is in good health, and not incapacitated from labour by old age, bodily infirmity or disease.

To hold personal communication with each emigrant.

4th. It shall not be lawful to ship, on board of any ship or vessel carrying emigrants from India to Mauritius, any number of passengers exceeding the proportion of one person for every two tons of the registered burthen of such ship or vessel, and no such ship or vessel carrying emigrants, and having more than one deck, shall have less than the height of six feet at the least between decks, and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck, and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such ship or vessel shall have more than two tiers of berths, and that no such ship or vessel shall carry passengers on any such voyage to Mauritius, unless there shall be an interval of

Number of passengers, height between decks, &c., of Emigrant Ships.

six inches at least between the deck platform, and the floor of the lower tier throughout the whole extent thereof, and whatever may be the tonnage of the ship or vessel, no greater number of passengers shall be taken on board of such ship or vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform, unoccupied by goods or stores, not being the personal luggage of such person.

Two children to count as one person.

5th. In the computation of the number of passengers within the meaning of these Regulations, two children under the age of ten years, shall be considered as equal to and shall be reckoned as one person only.

Water and provisions.

6th. There shall be, actually laden and on board of every ship or vessel bringing emigrants into Mauritius at the time of departure of such ship or vessel from the port or place at which such labourers shall be embarked, good and wholesome provisions for the use and consumption of the said passengers over and above the victualling of the crew, to the amount or in the proportion following; that is to say, a supply of water to the amount of five gallons to every week of the computed voyage for every passenger on board such ship or vessel, such water being carried in tanks or sweet casks, and a supply of rice, bread, biscuit, flour, oatmeal, or bread stuffs, to the amount of seven pounds weight to every week of the computed voyage for every such passenger; Provided always, that when any such ship or vessel shall be destined to call at a port or place in the course of her voyage for the purpose of filling up her water casks, a supply of water at the rate before mentioned for every week of an average voyage to such port or place of calling shall be deemed to be a compliance with this Regulation. And provided, that the preceding Regulation regarding food shall be deemed to have been complied with in any case where it shall be made to appear, that, by the special authority of the Governor-General of India, any other articles of food were substituted for the aricles above enumerated as being in his judgment equivalent thereto.

Length of voyage.

7th. The number of weeks which shall be deemed necessary for the voyage to Mauritius from any port or ports in India, shall be such as shall from time to time be determined

by any Law or Ordinance to be promulgated for that purpose by the Governor-General of India in Council, and according to any such Law or Ordinance shall and may be further determined whether at different periods of the year different estimations are to be made of the probable length of any such voyage, and if by any such Law or Ordinance the removal of emigrants should during any particular period of the year be prohibited altogether, then any such removal during such prohibited period shall in Mauritius be regarded, dealt with and punished as an infringement of these present Regulations.

Survey of water and provisions.

8th. Before any such ship or vessel shall be cleared out, on any such voyage, the agent appointed under this Ordinance for the port or place from which such ship or vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed sea-worthy, and that the directions hereinbefore contained for insuring the health and safety of the passengers have been complied with, and shall grant a certificate thereof under his hand to the Master of such ship or vessel.

Provisions to be furnished for 48 hours after arrival.

9th. The Master of every ship or vessel bringing emigrants to Mauritius shall be bound to provide for and furnish to every such emigrant and his wife and children a sufficient quantity of good and wholesome provisions, for his, her and their daily maintenance during such voyage, and during the space of 48 hours next after the arrival of such ship or vessel in Mauritius.

Copies of Regulations to be kept on board and produced on demand.

10th. Two copies of these Regulations, authenticated by the signature of the Agent at the port or place from which such emigrants shall come, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every ship or vessel carrying such emigrants as aforesaid, and one of such copies shall, upon request made at

reasonable times to the Master of the ship or vessel, be produced to any passenger for his perusal.

Detailed lists of emigrants to be delivered by the Master to the Agent and to the Protector.

11th. The Master of every ship or vessel carrying emigrants from India to Mauritius, shall, before clearing out such ship or vessel, deliver to such Agent at the port or place from which such vessel shall be cleared out, a list in writing together with a duplicate of the same, specifying as accurately as may be the names, ages and occupations of all and every the emigrants on board such ship or vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such agent, and the said Master shall on the arrival of such ship or vessel at Mauritius, and previous to the disembarkation of any such emigrants, give notice of arrival of such ship or vessel, and deliver the said counterpart of such list to the Protector of Emigrants hereinbefore mentioned.

Duties of the Protector on arrival of ship at Mauritius.

And such Protector of Emigrants shall forthwith proceed on board of such ship or vessel and shall ascertain as far as possible by personal inspection of the ship or vessel and passengers whether the directions hereinbefore contained with regard to the situation of the berth of such ship or vessel, the proportion of the passengers to the burthens and measurements of such ship or vessel, and the maintenance of the emigrants during such passage have been complied with, and such protector of emigrants shall personally muster such emigrants and compare the number and names of such emigrants with the said counterparts of such lists, and shall certify in writing under his hand upon such counterpart the total number of emigrants then living and being on board of such vessel, and in case any such emigrant shall have died during the passage, or the number of names of the emigrants shall differ from the number of names stated in such counterpart, the protector of emigrants shall note such death or difference upon such counterpart, and thereupon shall grant a license under his hand for the disembarkation and landing of such emigrants.

Certificate to be given by Protector, if satisfied.

12th. If the Protector of Emigrants, on such personal inspection of the ship or vessel and emigrants, shall be satisfied that the preceding Regulations have been complied with, he shall grant a certificate under his hand of the arrival

in Mauritius of such emigrants respectively and the place from which and the ship or vessel in which such emigrants shall have arrived.

Money not to be payable except on Governor's Warrant.

13th. No money shall be payable by the Colonial Treasurer of Mauritius in respect of any such emigrants as aforesaid except on the warrant of the Governor of that Island, which warrant shall not be issued except on such certificate as aforesaid of the said Protector of Emigrants.

Register of certificates.

14th. The Protector of Emigrants shall keep a register of all persons in respect of whom any such certificate as aforesaid shall be granted, and of the ship or vessel in which, the port from which, and the time at which, such person shall have arrived in this Colony, a copy of which registry shall be laid before the Council of Government on the 31st day of March, the 30th of June, the 30th day of September, and the 31st of December in each year.

Penalty for breach of Regulations.

15th. If any ship or vessel bringing emigrants from India to Mauritius shall carry any number of passengers exceeding the proportion authorized and allowed by these Regulations, a penalty of five pounds per head shall be payable in respect of each passenger so carried in excess of such proportion, or if such ship or vessel shall not be of the height between decks hereinbefore required, or if such a platform as hereinbefore directed shall not be laid and continued throughout the whole duration of any such voyage in such manner as is hereinbefore required: or if there shall be more than two tiers of berths, or if there shall not be, throughout the whole duration of any such voyage, such an interval as is hereinbefore prescribed between the deck and the floor of the lower tier of berths, or if any such ship or vessel shall clear out and put to sea, not having on board such water and provisions as aforesaid for the use and consumption of the passengers, of the kind and to the amount and in the proportion hereinbefore directed; or if any such ship or vessel shall be cleared out before such lists of emigrants shall have been delivered in manner and form aforesaid, or if any such lists shall be wilfully false, or if the copy of these Regulations be not produced as hereinbefore required, or if any emigrant shall not be main-

tained during such voyage, and for 48 hours after his arrival; the Master of any such ship or vessel shall, for and in respect of each and every such offence, be liable on summary conviction before any Stipendiary Magistrate, at any time within the space of 12 calendar months next after the arrival of such Master within the Colony of Mauritius, to the payment of a fine not less than £5, nor more than £20 British sterling, and in default of payment of the fine above mentioned either immediately, or at the time fixed by such Stipendiary Magistrate at the time of making such conviction, to imprisonment for any time not less than one or more than three calendar months.

Emigrant's right of action not to be barred.

16th. Provided nevertheless, that nothing herein contained shall take away or abridge any right of suit or action which may accrue to any emigrant in any such ship or vessel, or to any other person in respect of the breach or non-performance of any contract made or entered into between, or on the behalf of any such emigrant or other person, and the Master, owner or owners of any such ship or vessel.

Regulations not to apply to ships of war.

17th. Provided always, that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's ships of war.

Contracts made within 48 hours of landing to be void.

18th. No emigrant arriving from India at Mauritius shall be capable of entering into any contract of service to be performed in that Island, until he shall have been at least 48 hours on shore there, and every such contract of service made before that time shall be null and void to all intents and purposes.

Contracts made prior to the emigrant's arrival to be void.

19th. No emigrant arriving from India at Mauritius, and engaging to labour in that Island, shall within Mauritius be liable to any action, suit or demand, for or in respect of any debt contracted, or any contract made by such emigrant before his arrival in the said Island.

Emigrants to contract only as regulated by law.

20th. No emigrant arriving from India at Mauritius shall in Mauritius be capable of entering into any contract for service, except for the period in the manner and under the superintendence, which by a law in force there is required in the case

of contracts for service made by other labourers in agriculture or manufactures within the said Island.

Money not to be paid by Mauritius Government, except after compliance with these Regulations.

21st. No payment shall be made from the Treasury of the said Island in respect of any emigrants introduced there from India, unless on proof, to the satisfaction of the Governor of Mauritius, that all rules and Regulations, which may be established by law in India for the advantage and protection of such emigrants, have been duly complied with, such rules and Regulations not being repugnant to any thing in these Regulations contained.

Interpretation.

22nd. In every case in which the penalties hereby denounced against offences are imposed by the use of the words in the masculine gender or in the singular person, such words shall be understood as extending to the feminine gender also, and to any number of persons, unless when the opposite construction is required in order to meet the object and to accomplish the ends with a view to which these Regulations are established and made.

(Signed) C. GREVILLE.

In conformity with which said order, and for the purpose of giving effect thereto, it is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the emigration of natives from the ports of Calcutta, Madras, and Bombay respectively, to the Mauritius, shall be repealed from the day when the Governor-General of India in Council, or, in his absence, the President in Council shall notify in the Gazette that it hath been duly certified to him that such Regulations have been provided, and that such measures have been taken by the Government of Mauritius as he may deem necessary for the protection of emigrant labourers from India on their passage to the Mauritius, and during their residence there, and for their safe return at the expiration of five years, or any subsequent period, should they be desirous of returning to India; Provided always, that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the ports of India except the ports aforesaid, and in regard to emigrants from India proceeding to other places than the Mauritius.

Laborers, natives of British India, to be allowed to emigrate to Mauritius from the Presidency towns; but only under the provisions of this Act.

II. And it is hereby enacted, that after this Act shall come into operation, emigrant labourers, being native inhabitants of the territories under the Government of the East India Company, shall be allowed to pass and to be conveyed from India to the Mauritius from the ports of Calcutta, Madras and Bombay respectively, in compliance with the provisions hereinafter mentioned, but not otherwise.

Government may appoint the Emigration Agent nominated by the Government of the Mauritius, and such Agent shall make monthly reports.

III. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated to authorize the persons nominated by the Government of Mauritius, under the order hereinbefore inserted, to act as Emigration Agents at the aforesaid ports respectively, and to exercise the powers conferred on emigration agents by this Act. And every such Emigration Agent shall make monthly reports to the Government to which he is subordinate of all matters transacted by him in persuance of this Act.

Native emigrants not to be conveyed to Mauritius except in licensed ship. Master to bind himself in Rs. 10,000 to conform to this Act.

IV. And it is hereby enacted, that it shall not be lawful to convey any emigrant, being a native of India, who may embark for the purpose of labouring for hire in the Colony of Mauritius from either of the ports aforesaid, in any ship or vessel, unless a license be obtained for carrying emigrants in such ship or vessel from the Government of the Presidency in which the port is situated. A fee not exceeding one rupee per emigrant, as may be regulated from time to time by the Local Government, shall be demandable in respect of every such license, which fee shall be carried to the credit of the said Government, and the granting or withholding any such license shall be entirely discretionary with the Government, and in consideration of such license the Master of every ship conveying or destined to convey emigrants from India shall execute a bond, binding himself and his owners in a penal sum of 10,000 rupees to conform to the several conditions hereunder provided, and the said bond shall be executed in duplicate that it may be put in suit either at the place of execution or in the Colony of Mauritius, and one copy shall be forwarded to the Government of

Mauritius to be dealt with as the case may require. And every ship or vessel in which any such emigrant shall be conveyed without a license being obtained as aforesaid shall be liable to be forfeited, and the master therof shall be liable, as for a misdemeanor, in a fine of 1,000 Rupees for every such emigrant so illegally conveyed.

Master not to receive emigrant without certificate.

V. And it is hereby enacted, that it shall not be lawful for the Master of any vessel licensed as above to receive on board any emigrant labourer as above provided, unless such labourer shall have in his possession and show a certificate or pass to be given to him by the Emigration Agent of the port, stating his name and the name of his father, and his age, and certifying that having appeared before such agent he has declared his willingness and desire to proceed to work for hire in the said Colony of Mauritius.

Ship not to be cleared with any emigrant on board without certificate.

VI. And it is hereby enacted, that before any ship or vessel so licensed to carry emigrant labourers as above provided, shall be cleared out from any of the aforesaid ports for the Mauritius, it shall be necessary for the Master of such ship or vessel, provided any emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent so nominated and authorized at such port as aforesaid, a certificate under the hand of such Agent to the effect following, that is to say—

1. That such Agent has, by personal communication, done what is required on the part of such Agent by the third article of the schedule hereinbefore inserted; provided always, that every Agent shall make the inquiry specified in such Schedule, in an open Court or public office, to which all persons shall have admission.

2. That all the directions contained in the 4th, 5th, 6th, and 8th articles of the Schedule hereinbefore inserted for ensuring the health and safety of passengers, have been duly complied with.

3. That (in addition to the directions contained in the said Schedule) such rules have been complied with as the Go-

vernor-General in Council, or in his absence the President in Council, shall from time to time frame touching the medical attendance and medical stores to be provided, the species of provisions suited to native habits, the number of women that should accompany the emigrants, or other matters.

Probable lengths of voyage to Mauritius.

VII. And it is hereby enacted, that with reference to article 7 of the Schedule hereinbefore inserted, the probable lengths of a voyage to the Mauritius from the respective ports aforesaid, shall, for the purposes of this Act be deemed to be for the port of Calcutta, between the months of April and October inclusive, ten weeks; and between the months of November and March inclusive, eight weeks.

For the port of Madras, between the months of April and October inclusive, seven weeks; and between the months of November and March inclusive, five weeks.

For the port of Bombay, between the months of April to September inclusive, five weeks; and between the months of October to March inclusive, six weeks.

Master to deliver to Emigration Agent before obtaining port clearance the list specified in Act XI. of the Schedule.

VIII. And it is hereby enacted, that before any ship or vessel shall be cleared out from any of the aforesaid ports for the Mauritius, it shall be necessary for the Master thereof to deliver to the Emigration Agent so nominated and authorised at such port as aforesaid the List specified in article 11 of the Schedule hereinbefore inserted, and to obtain such duplicate thereof as is required by the said article.

Penalty of Rs. 200 for taking emigrant on board without compliance with the Act.

IX. And it is hereby enacted, that if the Master of any ship or vessel shall, at any of the ports aforesaid, take on board such ship or vessel any emigrant labourer of the description aforesaid, and shall clear such ship or vessel for the Mauritius without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty of 200 Rs. for every emigrant labourer so taken on board his ship or vessel.

X. And it is hereby enacted, that if the Master of any ship or vessel shall, after having cleared such ship or vessel at any such port as aforesaid for the Mauritius, take on board any such emigrant labourer as aforesaid without having entered such emigrant labourer in such List as aforesaid, or without having obtained such duplicate as aforesaid containing the entry of such emigrant, prior to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty not exceeding 500 Rs. for every emigrant so taken on board his ship or vessel.

Penalty of Rs. 500 for taking on board after clearance granted any emigrant not entered in the list.

XI. And it is hereby enacted, that if any Master of any ship or vessel cleared for the Mauritius as aforesaid shall, after having obtained such Certificate as aforesaid, fraudulently do or suffer to be done any act or thing, whereby such Certificate shall become inapplicable to the altered state of the ship or vessel, its passengers, or other matters to which such Certificate relates, such Master shall be liable on conviction, in any penalty not exceeding 5,000 Rupees, beside incurring a forfeiture of any bond executed in consideration of any license obtained for the vessel as originally described.

Fraudulently doing, or allowing anything whereby the ship's certificate becomes inapplicable.

XII. And it is hereby enacted, for the greater security against emigrant labourers being embarked for the Mauritius contrary to the provisions of this Act, that all the powers vested by law in the officers of Customs, in regard to the searching and detention of ships or vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of such emigrants as aforesaid on board ships or vessels bound for the Mauritius, and of other offences against this Act; And it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

Powers of Preventive Officers and Pilots for the prevention of offences against this Act.

XIII. And it is hereby enacted, that every person who shall attempt by means of intoxication, or by false imprison-

Penalty for attempting by intoxication to ex-

port any native contrary to this Act.

ment or other means of crimping, to export any native on board any ship or vessel contrary to the provisions of this Act, shall be liable to be punished before a Magistrate in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months; Provided that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

Preventive Officer to countersign each emigrant's pass, and to keep a register of emigrants on board. Crew and passengers to be mustered in presence of Preventive Officer and Pilot who shall separately report to the Emigrant Agent.

XIV. And it is hereby enacted, that, whenever a vessel shall clear from Calcutta for the Mauritius with emigrant labourers duly embarked thereon, the Customs Officer on board such vessel shall countersign the Pass or Certificate brought on board by every such emigrant labourer, and shall keep a register of every such emigrant labourer as may come on board. And such Customs Officer shall remain on board such vessel until she shall arrive in Saugor Roads, and shall not come away until a Muster of the crew and passengers has been made in his presence and in that of the Pilot in charge of the vessel; and after the Customs Officer has taken muster, and quitted the vessel, the Pilot shall continue to exercise the duties indicated in Section 12 of this Act. And it shall be lawful for him, if he shall deem it necessary, to require the Master or commander to take a general Muster of the crew and passengers and emigrant labourers on board, and to sign a muster roll so taken. And every such Custom House Officer and Pilot shall make a complete Report of the emigrant labourers on board of any ship at the time of his quitting the same, and such report shall contain a declaration, that, to the best of the declarant's belief, no additional coolies have been received on board since obtaining the certificate, and that nothing else has been done or omitted to be done in the ship or vessel contrary to the provisions of this Act; and every such Report, or Muster, if any, shall be transmitted without delay to the Emigration Agent of the port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the emigrant labourers on board of any ship, or who shall connive at the unauthorized embarkation of any such emigrant labourers,

shall be liable, besides dismissal, to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs revenue.

Penalty for forging, &c., any document under this Act.

XV. And it is hereby enacted, that if any person shall forge, or shall use knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

Penalties under this Act, how to be enforced.

XVI. And it is hereby enacted, that all the several penalties to which Masters of ships or vessels are liable by this Act shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent, or of any officer appointed for the purpose by the Government of the place or Presidency, or may be enforced by putting in suit the bond given by the Master, if such bond has been given in consideration of the license granted to the ship.

ACT NO. XVI. OF 1842.

BENGAL.

Modifies Reg. XIV. 1812, Sections 2, 3.

Leases granted by Zemindars, &c., for a longer term than their own engagements with Government, to be null and void only for the excess.

An Act concerning the terms of leases granted by Zemindars and proprietors.

It is hereby enacted, in modification of Sections 2 and 3, Regulation XIV. of 1812, of the Bengal Code, that Zemindars or other proprietors of land may grant leases, or fix the rent of any land tenure, for any period not exceeding the terms of their own respective engagements with Government. Provided always, that in case any lease shall be granted, or the rent of the land be fixed for any longer period, the lease or engagement fixing the rent shall be null and void only for the excess beyond such terms respectively.

BOMBAY.

ACT No. XVII. OF 1842.

1. *Repeals part of Reg. V.* 1830.
2. *One or more Revenue Commissioner to be appointed for the whole of Bombay Presidency.*
3. *Each Commissioner may have as many deputies, and Assistants as the Governor in Council may deem expedient.*

An Act relative to the number and powers of the Revenue Commissioners under the Presidency of Bombay.

I. It is hereby enacted, that so much of Regulation V. of 1830, of the Bombay Code, as provides that one Revenue Commissioner shall be appointed for the territory subordinate to Bombay, and that the Southern Mahratta country shall be excluded from his jurisdiction, is repealed.

II. And it is hereby enacted, that one or more Revenue Commissioners shall be appointed for the whole of the territory composing the Presidency of Bombay, each of whom shall be vested with all the powers possessed by the single Revenue Commissioner under Regulation V. of 1830, and shall be empowered to act within the Presidency of Bombay, or over such portion as the Governor in Council of Bombay may, from time to time, prescribe by an order published in the Gazette.

III. And it is hereby enacted, that each Revenue Commissioner shall have such number of deputies and Assistants, as the Governor in Council may deem it expedient to appoint.

ACT No. XVIII. OF 1842.

Repealed by Act XVII. 1862.

ACT No. I. OF 1843.

Repealed by Act XIX. 1843.

ACT No. II. OF 1843.

Repealed by Act X. 1861.

ACT No. III. OF 1843.

Repealed by Act XVI. 1853.

ACT No. IV. OF 1843.

Repealed by Act XVII. 1862.

ACT No. V. OF 1843.

GENERAL.

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1. *No public officer shall sell in execution of decree, &c., any person or the right to his compulsory services.*
2. *No right, arising out of an alleged property in the person or services of another as a slave, shall be enforced.*
3. *No alleged slave acquiring property by his own industry, &c., shall be dispossessed thereof; and no person acquiring property by inheritance, &c., from an alleged slave shall be prevented thereby from taking possession of it.*
4. *No act to be any the less a penal offence, on account of its being done to an alleged slave.*

An Act for declaring and amending the law regarding the condition of Slavery within the territories of the East India Company.

No public officer shall sell in execution of decree, &c., any person or the right to his compulsory services.

I. It is hereby enacted and declared, that no public officer shall, in execution of any degree or order of Court, or for the enforcement of any demand of rent or revenue, sell or cause to be sold any person, or the right to the compulsory

labour or services of any person, on the ground that such person is in a state of slavery.

No right arising out of an alleged property in the person or services of another as a slave shall be enforced.

II. And it is hereby declared and enacted, that no rights arising out of an alleged property in the person and services of another as a slave shall be enforced by any Civil or Criminal Court or Magistrate within the territories of the East India Company.

Property acquired by slave's industry, or derived from him, to be acknowledged by law.

III. And it is hereby declared and enacted, that no person who may have acquired property by his own industry, or by the exercise of any art, calling or profession, or by inheritance, assignment, gift or bequest, shall be dispossessed of such property or prevented from taking possession thereof, on the ground that such person from whom the property may have been derived was a slave.

No act to be any the less a penal offence on account of its being done to an alleged slave.

IV. And it is hereby enacted that any act, which would be a penal offence if done to a free man, shall be equally an offence if done to any person on the pretext of his being in a condition of slavery.

ACT No. VI. OF 1843.

Repealed by Act X. 1861.

ACT No. VII. OF 1843.

MADRAS.

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1. *Governor in Council may replace the Provincial Courts of Appeal and Circuit by new zillah Courts, and the existing zillah Courts by Courts under Regulations I. III. or Regulations VII. and VIII.* 1827.

2. *Zillah Court under this Act to be superintended by one Judge, to be styled Civil and Sessions Judge.*

3. *And shall exercise the same civil jurisdiction in appeal as is now exercised by the Provincial Courts.*

4. *Original jurisdiction of Provincial Courts in suits for less than Rupees* 10,000 *transferred to the new subordinate Courts.*

5. *Regulation VII.* 1827, *Section* 7, *rescinded.*

6. *Zillah Courts to take cognizance of appeals from subordinate Courts.*

7. *Principal Sudder Ameen having occasion to call on a Collector, &c., to act in any matter before his Court, how to proceed; in case of non-compliance to report to the Judge, who shall proceed as if on a precept from himself.*

8. *Appeals shall lie to the zillah Court from the new subordinate Civil Courts, and from Courts of Sudder Ameens and Moonsiffs, but not after* 30 *days. Zillah Judge may refer to subordinate Judge, &c., any appeals from district Moonsiffs, and in case of dismissal of such appeal a summary appeal to lie to the zillah Judge.*

9. *Appeals, regular and summary, from the zillah Courts to lie to the Sudder Court.*

10, 11. *Repealed.*

12. *Superior Courts need not furnish the Sudder Court with any translations.*

13. *All processes, &c., issuing from the Sudder Court under Reg. V.* 1802, *Secs.* 13, 14, *to be directed to the zillah Court.*

14. *Repealed.*

15. *All other processes, issuing in the Sudder Court or originating in the zillah Court, to be served by the officer of the zillah Court.*

16. *Power of suspending Sudder Ameens to be henceforth vested in zillah Judges.*

17. *District Moonsiffs may be employed under Regulation VI.* 1816, *Sections* 60, 61.

18, 19. *Repealed.*

20. *Zillah Judges may refer to subordinate Judges, &c., applications under Reg. VII.* 1816, *Sec.* 17.

21, 22. *Zillah Judges may pass their own orders on complaints under Reg. VII.* 1816, *Ss.* 11, 27.

23. *Civil actions and criminal prosecutions under Reg. VI.* 1816, *Sec.* 8, *and Reg. VIII.* 1816, *Sec.* 13, *to be brought before the zillah Judge.*

24. *Reg. VIII.* 1816, *Sec.* 3, *rescinded.*

25. *Repealed.*

26. *Zillah Judges to exercise the same criminal jurisdiction as the present Circuit Judges.*

27. *Zillah Judges to hold permanent sessions for trial of persons accused of offences now recognizable.*

28. *Reg. XIII.* 1832, *Sec.* 2, *rescinded.*

29. *Upon perusal of depositions conformed before him on oath, the subordinate Judge or Principal Sudder Ameen may, without further investigation, commit the prisoner for trial before the Session Judge.*

30—37. *Repealed.*

38. *Prosecutions under Reg. IX.* 1816, *Sec.* 43, *instituted before the zillah Judge.*

39, 43. *Repealed.*

44. *If zillah Court and Court of subordinate Judge be established at separate stations, the Session Judge may be authorized to take cognizance of certain criminal cases, subject ordinarily to the jurisdiction of the subordinate Courts.*

45. *Where no subordinate Civil and Criminal Court is established, the Civil and Session Judge may be authorized to exercise the jurisdiction assigned to such Courts in addition to his own.*

46. *When Sudder Ameen's Court is established at a detached station, such officer may be authorized to dispose of certain civil suits without the intervention of the zillah Judge, and also of certain criminal cases within his division.*

47. *If an European Principal Sudder Ameen be appointed at Cochin, he shall exercise all criminal powers under Reg. II.* 1827 *and all powers of a Joint-Magistrate.*

48, 49. *If subordinate Criminal Court be constituted under Reg. VIII.* 1827, *the zillah jail shall be under charge of Session Judge; but if under Reg. II.* 1827, *under charge of the subordinate criminal Judge subject to visitation by Session Judge.*

50. *Vakeels and subordinate officers of the zillah Courts to be subject to the same rules as in the Provincial Courts of Appeal.*

51. *Repealed.*

52. *Assistant Judge may be appointed, and the zillah Judge may refer to him any appeals except those from the subordinate zillah Courts.*

53. *Governor-General in Council may authorize Governor in Council to change the stations and local limits of zillah Courts.*

54—56. *Repealed.*

An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II. and Regulations VII. and VIII. of 1827, in place of the existing civil and criminal zillah Courts, and for extending the civil jurisdiction of such Courts.

G. in C. may replace the Provincial Courts of Appeal, and Circuit by new zillah Courts, and the existing zillah Courts by Courts under Regs. I. and II. or Regs. VII. and VIII. 1827.

I. It is hereby enacted, that the Governor in Council of Fort Saint George be empowered by an order in Council to abolish the Provincial Courts of Appeal and Circuit, and the Civil and Criminal zillah Courts now existing in the Presidency, and to establish new zillah Courts to perform the civil and criminal functions now performed by the said Provincial Courts, and to replace the existing Civil and Crimi-

nal zillah Courts, by Courts constituted according to Regulations I. and II. of 1827, or Regulations VII. and VIII. of 1827, at his discretion.

Zillah Court to be superintended by one Judge.

II. And it is hereby enacted, that every zillah Court established under this Act shall be superintended by one Judge, who shall be styled Civil and Session Judge of the zillah.

And shall exercise the same civil jurisdiction in appeal as is now exercised by the Provincial Courts.

III. And it is hereby enacted, that the zillah Courts established under this Act shall exercise within the limits assigned to them respectively by the order in Council by which they are constituted, the same civil jurisdiction as is now exercised by the Provincial Courts of Appeal, except the original jurisdiction vested in those Courts in suits for an amount or value less than 10,000 Company's Rupees, and shall be vested with the same authority, and shall be subject to the same rules and restrictions as such Provincial Courts of Appeal, except as hereinafter mentioned.

Original jurisdiction of Provincial Courts in suits for less than Rs. 10,000 transferred to the new subordinate Courts.

IV. And it is hereby enacted, that the original jurisdiction vested in the Provincial Courts of Appeal in suits for an amount or value less than 10,000 Company's Rupees shall be transferred to the subordinate zillah Courts constituted according to Regulations I. and VII. of 1827.

Reg. VII. 1827, Sec. 7, rescinded.

V. And it is hereby enacted, that Section 7, Regulation VII. of 1827, be rescinded.

Zillah Courts to try appeals from subordinate Courts.

VI. And it is hereby enacted, that in every zillah in which there is a subordinate Court constituted according to Regulation VII. of 1827, the zillah Court shall take cognizance of the appeals which by Section 8 of that Regulation are reserved from the jurisdiction of such Court.

Principal Sudder Ameen, having occasion to call on a Collector, &c., to act in any matter before his Court, how to proceed.

VII. First.—And it is hereby enacted, in modification of Section 9, Regulation VII. of 1827, that in all cases in which a Principal Sudder Ameen has occasion to call upon a Collector, subordinate Collector, or assistant Collector, or other European officer of Government, to do any thing in any

matter before his Court, he shall transmit to such officer an extract from the proceedings of the Court containing a brief abstract of the case, and specifying what is required to be done by him, with a request that he will comply therewith, and that he will return an answer stating what he has done within a certain time, and such officer shall comply with the requisition so conveyed to him, in the same manner as if it had been accompanied by precept from the zillah Judge.

Second.—Provided, that if such officer does not comply with such requisition, the Principal Sudder Ameen shall report the case to the zillah Judge, who shall proceed thereon as if the requisition had been made by a precept from himself.

Appeals shall lie to the zillah Court from the new subordinate Civil Courts, and from Courts of Sudder Ameens, and Moonsiffs, but not after 30 days.

VIII. First.—And it is hereby enacted, that appeals shall lie to the zillah Court from all decrees or orders of subordinate Civil Courts constituted according to Regulations I. and VII. of 1827, and of Sudder Ameens and district Moonsiffs in cases in which appeals are now allowable, but such appeals must be preferred within the period of 30 days, to be calculated as prescribed in the existing Regulations.

Second.—Provided, that whenever a Court constituted according to Regulation I. of 1827, or according to Regulation VII. of 1827, is established in any zillah at a place remote from the station of the zillah Court, the Sudder Adalut, with the sanction of the Governor in Council, may order appeals from the decisions and orders of district Moonsiffs stationed within the limits assigned to such Court, to be preferred to such Court. But it shall be competent to the zillah Judge at his discretion, to call up to his own Court, from time to time, appeals received by any such Court, and to dispose of them himself.

Appeals from Moonsiffs may be referred.

Third.—Provided also, that the Judge of any zillah Court may refer to any subordinate Judge or Principal Sudder Ameen in the zillah, any appeals from district Moonsiffs which may be filed in the zillah Court.

Summary appeal to the Judge, in case of dismissal of appeal from Moonsiff.

Fourth.—Provided also, that if any such appeal from a decision or order of a district Moonsiff which may have been under this Section referred for decision, or preferred in the first instance, to a subordinate Judge or Principal Sudder

Ameen, be dismissed without any decision being come to on its merits, it shall be competent to the party aggrieved by such order of dismissal to prefer a summary appeal from it to the Judge of the zillah, and it shall be the duty of the said zillah Judge to hold such proceeding on such summary appeal as he may consider proper, and, having satisfied himself that the order dismissing the appeal has been passed without sufficient cause being shown for such dismissal, it shall be competent for such zillah Judge to issue his precept to the Court by which the appeal may have been dismissed, requiring that the appeal shall be again admitted on the file, and a decision passed upon it after mature consideration of its merits.

Appeals, regular and summary, from the zillah Courts to lie to the Sudder Court.

IX. And it is hereby enacted, that appeals, Regular and Summary, from decisions and orders of the zillah Courts, shall lie to the Sudder Adalut, under the same rules and restrictions as are applicable to similar appeals to the Sudder Adalut from the Provincial Courts of Appeal.

X. and XI. *Repealed by Act* X. 1861.

Inferior Courts need not furnish Sudder Court with translations.

XII. And it is hereby enacted, that any provisions of the existing Regulations which require inferior Courts to furnish the Sudder Adawlut with translations of papers written in the vernacular languages of the country which they may transmit to that Court in appeals and other cases, be rescinded.

All processes, &c., issuing from the Sudder Court under Reg. V. 1802, Ss. 13, 14, to be directed to the zillah Court.

XIII. And it is hereby enacted, in modification of Sections 13 and 14, Regulation V. of 1802, that all processes and orders therein described, which may issue from the Sudder Adalut, shall be directed to the zillah Courts established under this Act.

XIV. *Repealed by Act* X. 1861.

All other processes whether of the Sudder or the zillah Court to be served by the officers of the zillah Court.

XV. And it is hereby enacted, that all other processes issued by the Sudder Adalut and directed to the zillah Courts, or originating in the zillah Court, shall be served under the orders of the zillah Judge by the proper officers of the Court.

Power of suspending Sudder Ameens.

XVI. And it is hereby enacted, in modification of Section 6, Regulation III. 1833, that the power of suspending Sudder Ameens from office, thereby vested in the zillah, Assistant, and Native Judges, shall for the future be vested in the Judges of zillah Courts established under this Act.

District Moonsiffs may be employed under Reg. VI. 1816, Ss. 60, 61.

XVII. *The first clause of this Section is repealed by Act X. 1861.*

Second.—Provided, that district Moonsiffs may be employed by subordinate Judges and Principal Sudder Ameens, as well as by Judges of zillah Courts, in the manner and for the purposes specified in Sections 60 and 61, Regulation VI. 1816.

XVIII. and XIX. *Repealed by Act X. 1861.*

Zillah Judges may refer to subordinate Judges, &c., applications under Reg. VII. 1816, Sec. 17.

XX. And it is hereby enacted, that the Judges of zillah Courts may refer to the subordinate Judges, and Principal Sudder Ameens, applications for the executions of decisions of district Punchayets referred under Section 17, Regulation VII. 1816.

Zillah Judges may pass their own orders on complaints under Reg. VII. 1816, Ss. 11, 27.

XXI. And it is hereby enacted, that it shall be competent to Judges of zillah Courts to pass orders of their own authority on complaints preferred under Section 11, Regulation VII. 1816, according to Clause 4 thereof.

XXII. And it is hereby enacted, that the zillah Judge shall be competent to receive and pass orders of his own authority on complaints preferred under Section 27, Regulation VII. 1832.

Civil and criminal proceedings under Reg. VI. 1816, Sec. 8, and Reg. VIII. 1816, Sec. 13, to be brought before the zillah Judge.

XXIII. And it is hereby enacted, that civil actions and criminal prosecutions under Clauses 1 and 2, Section 8, Regulation VI. 1816, with respect to district Moonsiffs, and as extended by Section 13, Regulation VIII. 1816, with respect to Sudder Ameens, shall be brought before the zillah Courts established under this Act.

* Reg. VIII. 1816, Sec. 3, rescinded.

XXIV. And it is hereby enacted, that Section 3, Regulation VIII. 1816, be rescinded.

XXV. *Repealed by Act X.* 1861.

XXVI. (*Criminal jurisdiction.*)—And it is hereby enacted, that the Judges of the zillah Courts established under this Act shall exercise, within the limits assigned to those Courts respectively, the same criminal jurisdiction as is now exercised by the Judges of the Courts of Circuit; and shall be vested with the same authority, and subject to the same rules and restrictions, as far as they are applicable and consistent with this Act.

Zillah Judges to exercise the same criminal jurisdiction as the present Circuit Judges.

XXVII. *Repealed by Act XVII.* 1862.

XXVIII. And it is hereby enacted, that Section 2, Regulation XIII. 1832, be rescinded.

Reg. XIII. 1832, Sec. 2, rescinded.

XXIX. *Repealed by Act XVII.* 1862.

XXX.—XXXIV. *Repealed by Act XVII.* 1862.

XXXV. *Repealed by Act XIX.* 1848.

XXXVI. *Repealed by Act XVII.* 1862.

XXXVII. *Repealed by the same Act.*

XXXVIII. And it is hereby enacted, that prosecutions against Magistrates and their Assistants under Section 43,

Prosecutions under Reg. 1816, Sec. 43,

be instituted before the zillah Judge.

Regulation IX. 1816, shall be instituted in the zillah Courts established under this Act.

XXXIX. and XL. *Repealed by Act XXIV.* 1859.

XLI.—XLIII. *Repealed by Act XVII.* 1862.

If zillah Court and Court of subordinate Judge be at separate stations, the Session Judge may be authorized to try criminal cases, subject ordinarily to the jurisdiction of the subordinate Courts.

XLIV. And it is hereby enacted, that in any zillahs in which the Governor in Council of Fort St. George deems it expedient to establish the zillah Court, and the Court or Courts under subordinate Judges, or Principal Sudder Ameens, at separate stations, it shall be competent to the said Governor in Council, by an order in Council, to authorize the Session Judge to take cognizance of all criminal cases subject ordinarily to the jurisdiction of the subordinate Courts, as well as cases subject to his own jurisdiction, which shall be sent to him by the Magistrate or officers of Police of such talooks as shall be therein indicated, and to dispose of such cases according to the rules applicable to them respectively.

Where no subordinate Civil and Criminal Court is established, the Civil and Session Judge may exercise both jurisdictions.

XLV. And it is hereby enacted, that in any zillah in which the Governor in Council of Fort St. George deems it unnecessary to establish a subordinate Civil and Criminal Court, constituted according to Regulations I. and II. or Regulations VII. and VIII. 1827, it shall be competent to the said Governor in Council, by an order in Council, to authorize the Civil and Session Judge to exercise the civil and criminal jurisdiction assigned to such Courts, besides the proper civil and criminal jurisdiction of the zillah Court, and to take cognizance immediately of criminal cases, within his proper jurisdiction as Session Judge, as they are sent up by the Police and Magistracy.

When Sudder Ameen's Court is at a detached station, he may be authorized to dispose of certain civil and criminal cases without the intervention of the zillah Judge.

XLVI. And it is hereby enacted, that when the said Governor in Council deems it proper to establish in any such zillah, a Court under a Sudder Ameen at a detached station, it shall be competent to the Governor in Council to authorize the Sudder Ameen to receive and dispose of civil suits arising in portion of the zillah over which jurisdiction shall be assigned

to him, without the intervention of the zillah Judge, under the limitation as to amount or value prescribed by the existing Regulations; and also to receive and dispose of criminal cases sent to him by the Police and Magistracy of the division subject to his jurisdiction, for which the punishment prescribed shall not exceed the limitation specified in Section 7, Regulation X. of 1816.

Criminal powers of European P. S. A. at Cochin.

XLVII. And it is hereby enacted, that whenever the Governor in Council of Fort St. George shall establish a Court under a European Principal Sudder Ameen at Cochin, such Principal Sudder Ameen shall exercise, within the jurisdiction assigned to him, all the powers of a Criminal Court constituted according to Regulation II. of 1827, and also all the powers of a Joint-Magistrate.

Charge of zillah Jail.

XLVIII. And it is hereby enacted, that when the subordinate Criminal Court at the station of a zillah Court is constituted according to Regulation VIII. of 1827, the zillah Jail shall be under the charge of the Session Judge.

XLIX. And it is hereby enacted, that when the subordinate Criminal Court at the station of the zillah Court is constituted according to Regulation II. of 1827, the zillah Jail shall be under the charge of the Judge of the subordinate Criminal Court, and the Session Judge shall be vested with authority to visit the Jail, and to pass orders according to Section 32, Regulation VII. of 1802, and Section 7, Regulation X. 1832.

Officers of the zillah Courts to be subject to the same rules as in the Provincial Courts.

L. And it is hereby enacted, that the subordinate officers and vakeels, who shall be appointed to the zillah Courts established under this Act, shall be subject to the same rules as are applicable to the subordinate officers and vakeels of the Provincial Courts of Appeal.

LI. *Repealed by Act XVII.* 1862.

Assistant Judges.

LII. And it is hereby enacted, that the Governor in Council of Fort St. George may appoint an Assistant Judge to

any zillah Court, to whom the Judge shall have authority to refer any appeals which may be depending before him, excepting appeals from the subordinate Courts constituted according to Regulation I. or Regulation VII. 1827, and such Assistant Judge shall be empowered to try and dispose of cases so referred to him under the rules applicable to the Judge.

The stations and local limits of zillah Courts may be changed.

LIII. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, by an order in Council, to authorize the Governor in Council of Fort St. George at any time to change the stations of zillah Courts and the limits of their local jurisdiction, and to abolish any of the zillah Courts which shall be first established under this Act, and to establish new zillah Courts in any parts of the Presidency of Fort St. George.

LIV. *This and the two following Sections are repealed by Act XVII.* 1862.

ACT No. VIII. OF 1843.

Expired.

MADRAS.

ACT No. IX. OF 1843.

1. *Person, named in Schedules together with Governor in Council, to be a Corporation by the name of the Bank of Madras.*

2. *Shares lapsed through non-payment of subscription to be tendered in succession to registered applicants; and if not taken by them, to be at the disposal of a special General Meeting of proprietors.*

3. *Capital stock to be* 30 *lakhs of rupees, whereof three to be the property of the Governor in Council, and the rest of the proprietors named in the present, or any subsequent Schedule.*

4. *The Governor-General may authorize the capital to be increased, allowing the proprietors* 12 *months to fill up the capital themselves.*

5. *Shares to be Rupees* 1,000 *each, numbered regularly, and the first* 300 *to be the property of the Governor in Council. Increased stock to be similarly divided.*

6. *Notification to be made when shares are paid up, and Bank to begin business from date of notification. Bank may sue and be sued by its corporate name, use a common seal, and acquire and hold and transfer property of any kind.*

7. *Business of the Government Bank to cease immediately on the opening of the Bank of Madras.*

8. *Statement of notes of Government Bank paid by Bank of Madras to be weekly transmitted to, and repaid by Governor in Council.*

9. *Directors to deliver certificate to each proprietor for each, or all, or any number of his shares.*

10. *No proprietor to increase his stock beyond Rupees 50,000, except on increase in the general capital, or by reason of succession, bequest, or marriage.*

11. *Shares to be personal estate, and transferable by endorsement, and registration noted on endorsement.*

12. *The Corporation to consist only of the registered proprietors.*

13. *Business of Bank to be managed by nine Directors, three of whom to be appointed by the Governor in Council, and six by the proprietors at a General Meeting.*

14. *First directors how to be appointed. Qualification to be six shares. Election to be by shareholders in person or by proxy. Two of the six elected to go out by rotation every year.*

15. *Two new Directors to be elected in December every year.*

16. *In case of death, resignation, or absence for more than three months, the vacancy to be supplied by election.*

17. *Director's qualification to be six shares.*

18. *Elections and other matters to be decided by a majority of votes; no person to vote in respect of any share acquired by transfer less than 6 months before.*

19. *Scale of voting. No proprietor to have more than four votes.*

20. *Governor in Council may vote by proxy, and to have four votes, but not to vote upon election or removal of Directors.*

21. *Proprietors may vote at a General Meeting by proxy, either general or special.*

22. *President and Vice-President how to be chosen. President to have a casting vote.*

23. *Board to be formed by three Directors at least, and to be secured by weekly rotation among the Directors.*

24. *All accounts and instruments to be invalid, unless signed by three Directors.*

25. *Directors may appoint, and remove officers, and fix salaries, but the whole cost of the establishment not to exceed 50,000 Rupees without sanction from a General Meeting.*

26. *Secretary and three other officers to give security in Rupees 50,000, and to engage in no business on their own account.*

27. *Specification of the eight kinds of business in which alone the Bank shall be engaged.*

28. *Directors not to discount or make loans, unless the Bank has cash equal to one-fourth of all claims against it then payable on demand.*

29. *Bank not to discount, or make loans for longer period than three months, nor to lend more than 3 lakhs on any security, not having on it the responsibility of two individuals or firms—except on Government securities.*

30. *No other loans to be made, except on deposit of public securities to the full amount, or of imperishable goods to one-fourth more than the full amount.*

31. *Bank not to advance to Government more than 7½ lakhs.*

32. *No person to be allowed to overdraw his account.*

33. *Repealed.*

34. *Bank not to make, &c., any note, &c., payable out of India.*

35. *Directors may contract for safe keeping of imperishable goods.*

36. *Bank books to be balanced half yearly. Settlement of balance to be transmitted to one of the Secretaries to Government. Governor in Council to be always entitled to require information.*

37. *An account of profits to be taken on 1st January and 1st July of every year, and dividend to be declared as soon as convenient thereafter. Directors may set apart a reserve of 5 per cent.*

38. *General Meeting to be held on 1st Monday in March of every year for submission of statement of affairs and for other purposes.*

39. *General Meeting may be convened at any time by three Directors or ten proprietors on fifteen days' notice.*

40. *Branch Bank may be established with sanction of Governor in Council and Court of Directors, but to be subject to the same provisions.*

41. *Bank may apply dividends of indebted Proprietor to payment of his debt, and may refuse to register the transfer of his shares till his debts are paid, and, after six months' notice, may sell his shares.*

42. *Bank not to be dissolved or modified, except upon application, or consent of the Bank, or after twelve months' notice to the Directors. Bank's privileges to be forfeited on suspension of cash payments at any time.*

For the Incorporation of a Bank at Madras.

Whereas the Hon'ble Court of Directors of the East India Company, by and with the approbation of the Board of Commissioners for the affairs of India, has directed the abolition of the present Government Bank at Madras, and in lieu thereof has sanctioned the establishment of a Bank at Madras on the principles hereinafter set forth, and has required the Government of India to pass an Act of Incorporation for the same;

Who to compose a Corporation by the name of the Bank of Madras.

I. It is therefore hereby enacted, that from the first day of July next ensuing, in the year of our Lord 1843, the persons whose names are included in the Schedule hereunto annexed, having severally subscribed and signed their acceptance of the terms of Incorporation specified in this Act, and, with the Government of Madras on the part of the East India Company, having paid into the Government Treasury the amount of capital stock subscribed by them respectively, and taken receipts for the same from the Sub-Treasurer to the Government of Fort Saint George, shall, together with the Governor in Council for the time being of the Presidency of Madras, be a corporation, body corporate and politic, by name of the Bank of Madras, with perpetual succession to them and their successors as proprietors for the time being of the said Bank as hereinafter mentioned and provided, and shall possess and enjoy all the rights, privileges, and immunities incident by law to a corporation aggregate.

Provided, however, that it shall be lawful for the Governor-General of India in Council at any time before the first of September next, to rectify any errors in the Schedule of the said proprietors by notice in the Official Gazettes of Calcutta and Madras, so that no alteration be made in the principles upon which such Schedule has been framed.

Lapsed shares to be tendered to registered applicants; and if not taken by them, to be at the disposal of a General Meeting.

II. And it is hereby declared and provided, that if any of the persons whose names are in the said Schedule shall have failed to make good their subscriptions on or before the first day of May last past, the shares to which such names are attached were claimable and might be taken by the persons who having made applications for shares which were received after the prescribed amount of capital had been taken and subscribed for by the parties in the said Schedule, had been permitted to have their said applications registered as received: and the shares which shall have so lapsed, having been tendered to such applicants in the order of such registry according to the list given in to the Governor in Council at Fort Saint George, shall be and are the property of such persons, provided they shall have in the manner heretofore mentioned paid up their subscriptions on or before the 20th day

of May last past. And in the event of there having remained any unpaid shares after the parties whose names had been so registered had thus had the option of completing the payments due on such shares, then such remaining unpaid shares are declared to have been at the disposal of a General Meeting of the proprietors convened for that purpose. And it is hereby enacted, that the persons who shall have become the proprietors of the lapsed shares in the manner above provided, or under an appropriation made at such General Meeting of proprietors, by payment of the amount subscribed, shall be considered to belong, and shall to all intents and purposes belong to the corporation, body corporate and politic, by name of the Bank of Madras, and shall possess and enjoy all the rights, privileges, and immunities the same as the persons according to the original Schedule who shall have paid up their subscriptions on or before the first day of May last past. And it is hereby declared and required, that as soon after the promulgation of this Act as may be practicable, the Governor in Council at Fort Saint George shall publish in the Official Gazette of that Presidency a Schedule of the proprietors of the Bank of Madras as incorporated under the provisions of this Act, and that the same shall be transmitted to be republished in the Official Gazette of Calcutta.

Capital stock to be 30 lakhs of rupees, whereof three to be the property of the Governor in Council.

III. And it is hereby enacted, that the capital stock of the Bank of Madras shall be thirty lakhs of Rupees, whereof three lakhs shall be the property of the Governor in Council of Madras, for the time being, on behalf of the East India Company, and the persons whose names are in the Schedule hereunto annexed, or any Schedule corrected in the manner provided for in the first Section of this Act, or whose names shall be in the Schedule published by order of the Governor in Council at Fort St. George in the Official Gazette of that Presidency as required in Section 2 of this Act, shall be proprietors of the shares of the said capital stock set against their names respectively.

The G. G. in C. may authorize the capital to be

IV. And it is hereby enacted, that it shall be in the power of the Governor-General of India in Council, from time

to time, by an order duly published in the Official Gazettes of Calcutta and of Madras, to authorize the said capital stock to be increased, and to make such order and direction for the opening of subscriptions towards such increase of capital as to him may seem fit, giving due notice thereof to the proprietors of the said Bank for the time being, and allowing to them a period of not less than twelve months to fill up such subscription themselves, and likewise to prescribe in what manner and form the proprietors shall subscribe and pay into the said Bank the proportion of new stock to which they may respectively be entitled, and also to make such order and direction as to him the said Governor-General in Council may seem fit for the disposal of the amount of new stock that may not be subscribed for, and paid up by the proprietors in the manner and form that may be so prescribed.

increased, allowing the proprietors 12 months to fill up the capital themselves.

V. And it is hereby enacted, that the capital stock of the Bank of Madras shall be divided into shares of one thousand Rupees each, which shall be numbered accordingly, and three hundred of the said shares, numbered from No. 1 to 300, shall be the property of the Governor in Council of Madras for the time being, on behalf of the East India Company, and the remainder shall be the property of the proprietors who shall have paid up the same, and no separate interest or share in the stock of the said Bank of less amount than 1,000 Rupees shall be created, or held by any proprietors, and if at any time the capital of the said Bank shall be increased, the new stock added thereto shall in like manner be divided into shares of 1,000 Rupees each, and no proprietor shall be entitled to claim a share of such new stock of less amount than 1,000 Rupees.

Shares to be Rs. 1,000 each, numbered regularly. Increased stock to be similarly divided.

VI. And it is hereby enacted, that on the said first day of July, 1843, or on some early day after that date, provided the subscriptions have been paid up as above prescribed, the Governor in Council of Madras shall notify in the Official Gazette of that Presidency, that the Bank of Madras, being incorporated as above provided, shall from the date of such notification be opened for the transaction of all manner of business authorized

Bank when to begin business. Bank may sue and be sued by its corporate name, use a common seal and acquire and transfer property of any kind.

by this Act, and the said Bank shall and may sue and be sued by its corporate name, and shall and may use such common seal as the Directors of the said Bank shall from time to time appoint, and shall be competent to acquire and hold either absolutely or conditionally, for a term or in perpetuity, any description of property whatever, and to transfer and convey the same.

Business of the Government Bank to cease immediately on the opening of the Bank of Madras.

VII. And it is hereby enacted, that, immediately on the opening of the said Bank of Madras, the business of the present Government Bank of Madras shall cease, and it shall proceed to wind up its affairs as soon as possible, and all such Notes of the Government Bank of Madras which shall be then outstanding shall be payable thenceforth at the Bank of Madras, which shall pay them on being verified by such officers as the Governor in Council of Fort St. George may appoint for the purpose, on presentment, as if they had been issued by the Bank of Madras.

Statement of notes of Government Bank paid by Bank of Madras to be weekly transmitted to Government.

VIII. And it is hereby enacted, that on Monday of every week, so long as there are any notes of the Government Bank outstanding, the Bank of Madras shall cause to be made up a statement of the notes of the Government Bank paid by them in the course of the preceding week, and transmit the same to the Governor in Council of Madras with the notes, who shall thereupon cause the amount, with all reasonable expedition, to be repaid to the Bank of Madras.

Directors to deliver certificate to each proprietor for each, or all, or any number of his shares.

IX. And it is hereby enacted, that after the delivery by the Sub-Treasurer at Madras, to whom all subscriptions on account of the capital of this Bank will have been paid, as above provided, of the amount of capital stock to the Directors of the Bank, the receipt which may be granted by the Sub-Treasurer to the subscribers respectively shall be cancelled, and a certificate, signed by three Directors of the Bank of Madras, shall be delivered to each proprietor, and any person who is a proprietor of more than one share of the capital stock, may at his option demand a certificate for each of his shares, or one certificate for all his shares, or several certificates, each of which may be for any number of his shares.

X. And it is hereby enacted, that no proprietor shall be allowed to increase his share in the capital stock of the said Bank beyond the amount of 50,000 Rupees, excepting on occasion of any increase being made to the capital stock of the said Bank under the authority of the Governor-General in Council, in the manner prescribed in Section 4 of this Act, in which case any proprietor holding stock to the full amount of 50,000 Rupees, shall notwithstanding be entitled to subscribe to the increased capital stock in a rateable proportion; and excepting any addition to his interest in the said capital stock arises from succession, bequest, or marriage.

No proprietor to increase his stock beyond Rs. 50,000 except under certain special circumstances.

XI. And it is hereby enacted, that the said share or shares of the capital stock of the said Bank shall be of the nature of personal estate of the proprietors thereof respectively, and that the same shall be transferable by endorsement to be made on the certificates thereof, respectively, under the hand of the proprietor or proprietors, or his or their attorney duly authorized, which endorsement shall specify the name of the person or persons to whom the said transfer shall be made, but no such endorsement shall be effectual to transfer any such share or shares, until such endorsement shall have been registered at the Bank of Madras, and such registration shall have been noted on such endorsement, under the hand of an officer appointed for that purpose by the Directors of the said Bank.

Shares to be personal estate, and transferable by endorsement, and registration noted on endorsement.

XII. And it is hereby enacted, that the said corporate body of the Bank of Madras shall consist and be composed of the registered proprietors for the time being of the said shares of the capital stock of the said Bank, and of no other person or persons whatsoever.

The Corporation to consist only of the registered proprietors.

XIII. And it is hereby enacted, that the business of the said Banks shall be managed by nine Directors, of whom three shall be appointed and be removeable by the Governor in Council of Madras, and the remaining six shall be elected by the General Meeting of the proprietors of the said Bank, and shall be removeable by vote of the majority of a General Meeting of the said proprietors.

Business to be managed by nine Directors; three to be appointed by the Governor in Council, and six by the proprietors.

First Directors how to be pointed. Q. fication to be shares. Election to be by share-holders in person or by proxy. Two of the six elected to go out by rotation every year.

XIV. And it is hereby enacted that the first Directors of the Bank shall be such three persons as may be appointed by the Governor in Council of Madras to be Directors of the Bank, together with six persons of those whose names are inserted in the Schedule of proprietors published in the Official Gazette of Fort St. George, in the manner prescribed by Section 2 of this Act, and who being entitled to not less than six shares or 6,000 rupees of the capital stock of the said Bank, shall be elected at a General Meeting of the persons whose names are inserted in the said Schedule, to be held at such time and place as the Governor in Council of Madras may fix by public notification in the Official Gazette of that Presidency, and the election shall be made by the persons who according to the said Schedule of proprietors may be entitled to shares of the capital stock of the Bank, and the said persons shall vote at such election in person or by proxy according to the quantity of stock respectively held by them, and the Directors so appointed shall appoint officers, and take all necessary steps for opening the Bank when this Act shall take effect for its incorporation, and the rotation amongst the six Directors first appointed under the next preceding Section, shall be established according to the number of votes, the two Directors elected by the fewest votes first vacating, and the next two in the year following, and so in succession in the third year.

Two new Directors to be elected in December every year.

XV. And it is hereby enacted, that two of the six Directors elected as provided in Section 14, and to be elected by the proprietors, shall in rotation go out of office on the second Monday in the month of December, in every year, on which day in every year a General Meeting of proprietors shall be held for the election of two Directors in their stead, but no Directors going out by rotation as aforesaid shall be re-elected at the election which takes place thereupon, though he shall be eligible for a future election.

In case of death, registration, or absence

XVI. And it is hereby enacted, that in case of the death, resignation or absence from Madras for more than three months,

or disqualification under Section 17, or removal as aforesaid, of any Director elected as provided in Section 14, or to be elected by the proprietors after the incorporation of the Bank of Madras, the Directors shall call a General Meeting of the proprietors, to be held within fifteen days of the day of notice, for the purpose of choosing a successor, and such successor shall come into the place in rotation above mentioned of the late Director.

for more than three months, the vacancy to be supplied by election.

XVII. And it is hereby enacted, that no person shall be capable of serving as a Director by election of the proprietors, who shall not be proprietor, in his own right unincumbered, of six shares or six thousand Rupees of the capital stock of the Bank of Madras, or who shall be a Director of any other Bank issuing notes payable on demand within the town or suburbs of Madras.

Director's qualification to be six shares.

XVIII. And it is hereby enacted, that at a General Meeting of the proprietors, every election and other matter in question shall be decided by a majority of votes, and that no person shall be allowed to vote at any such meeting in respect of any share of the said capital stock acquired by transfer, or purchase, or otherwise than by Act of Law, unless such transfer shall have been completed six months at the least before the time of tendering such vote.

Elections and other matters to be decided by a majority of votes; no person to vote in respect of any share acquired by transfer less than six months before.

XIX. And it is hereby enacted, that at all such General Meetings the proprietors shall vote according to the following scale:—

Scale of voting. No proprietor to have more than four votes.

The proprietors of—

2	Shares shall be entitled to, ...	1 Vote.
6	....	2 „
12	....	3 „
25	....	4 „

and no proprietor shall be entitled to more than four votes.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of Madras to give a proxy in writing, signed by one of the Secretaries to Government, to any person

Governor in Council may vote by proxy, and to have four votes, but not to vote

upon election or removal of Directors.

whom the Governor of Madras may appoint to attend any General Meeting of the proprietors, and that the holder of such proxy shall be entitled to give four votes upon all matters or questions that may be submitted to such meeting, except upon the election or removal of such Directors as are elected by the said proprietors.

Proprietors may vote by written proxy, either general or special.

XXI. And it is hereby enacted, that any proprietor or proprietors entitled to vote at any General Meeting may give a proxy in writing, either general or special, under his, her or their hand, or the hand of his, her, or their Attorney duly authorized to any other proprietor, and that such proxy shall be produced at the time of voting, and that such proxy shall entitle the person to whom it is given, to vote on such matter or matters as shall be authorized by the tenor of such proxy.

President and Vice-President how to be chosen.

XXII. And it is hereby enacted, that at the first meeting of the Directors, after their election, in every year, they shall choose a President from among themselves, and if the office of President shall become vacant they shall at their next meeting choose a successor for the remainder of the current year, and that during any vacancy, or in the absence of the President, the senior Director shall be Vice-President for the time being, and that such President or Vice-President shall have the casting vote in all cases of an equal division of votes at meetings either of Directors or proprietors.

Board to be formed by three Directors at least, and to be secured by weekly rotation.

XXIII. And it is hereby enacted, that the presence of at least three Directors shall be necessary to form a Board for the transaction of business, and the said Directors shall establish a weekly rotation among themselves, so that not less than three Directors may attend every meeting of Directors; provided always, that nothing herein contained shall be held to preclude any Director from attending any meeting of Directors.

All accounts and instruments to be invalid, unless signed by three Directors.

XXIV. And it is hereby enacted, that all accounts of the said Bank, and all instruments not under seal whereby the said Bank can in any manner be bound, except the cash notes

of the said Bank, shall be signed by three Directors, and shall be of no validity unless so signed, and that the seal of the said Bank shall not be affixed to any instrument except in the presence of three Directors who shall sign their names on the instrument in token of their presence, and that such signing shall be independent of the signing of any person who may sign the instrument as a witness, and that unless so signed by three Directors, such instrument shall be of no validity.

XXV. And it is hereby enacted, that the said Directors shall have power to appoint such officers as may be necessary to conduct the business of the said Bank, and to remove any officer of the said Bank, and to fix the salaries of such officers; provided that the whole expense of the establishment of the said Bank shall not in any one year exceed 50,000 Rupees, without previous authority from the general meeting of the proprietors.

Directors may appoint, and remove officers, and fix salaries, but the whole establishment not to exceed 50,000 Rs. without previous sanction.

XXVI. And it is hereby enacted, that no person who shall hold the office of Secretary, Treasurer, Head Accountant, or Head Shroff of the Bank of Madras, shall engage in any other commercial business, either on his own account, or as agent for any other person or persons, or act as a broker for the sale or purchase of Government Securities, and that every person appointed to any one or more of the said offices shall give security to the Directors, for the faithful discharge of his duty in the sum of 50,000 Rupees.

Secretary and 3 other officers to give security in Rs. 50,000 and to engage in no business on their own account.

XXVII. And it is hereby enacted, that the said Bank of Madras shall not be engaged in any kind of business, except the kinds of business hereafter specified, that is say:

The eight kinds of business in which alone the Bank shall be engaged.

1st. The discounting of negotiable securities.

2d. The keeping of cash accounts, including the realization of dividends and interest on Government Securities to the credit of constituents of the Bank.

3d. Buying and selling of Bills of Exchange payable in India.

4th. The lending of money on short loans.

5th. The buying and selling of bullion.

6th. The receiving of deposits.

7th. The issuing and circulating of cash notes and Bank Post Bills.

8th. The selling of property or securities deposited in the Bank as security for loans and not redeemed, or of property or securities recovered by the Bank in satisfaction of debts and claims.

Directors not to discount, or make loans, unless the Bank has cash equal to one-fourth of all claims then payable on demand.

XXVIII. And it is hereby enacted, that the Directors of the said Bank shall discount no negotiable security, and make no loan unless the amount of cash in possession of the said Bank, and immediately available, shall be equal to at least one-fourth of all the claims against the said Bank outstanding for the time being and payable on demand.

Bank not to discount, or make loans for longer period than three months, nor on any security, not having on it at least the responsibility of two individuals or firms.

XXIX. And it is hereby enacted, that the Directors of the said Bank of Madras shall not discount any negotiable securities which shall have a longer period to run than three months, or lend any money for a larger period than three months, and that they shall make no loan or advance on any Bank share or certificate of shares, nor on mortgage or in any manner on the security of any lands, houses or immoveable property, nor on any negotiable security of any individual or partnership firm, which shall not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership, nor be in advance at one and the same time, to any individual or partnership firm, either by way of discount, loan, or in any other manner (saving by loans upon the deposit of Government Securities or goods not perishable as hereinafter mentioned,) beyond the amount of three lakhs of Company's Rupees. Provided always, that the advances upon Bills of Exchange accepted by the Government or upon other Government obligations, shall not be considered as an advance within the meaning of this restriction.

Proviso.

No other loans to be made except on deposit of public securities to the full amount, or of imperishable

XXX. And it is hereby enacted, that the Directors of the said Bank shall make no loan other than such loans as are described in the clause next preceding, except on deposit of public securities in the full amount of the loan, and which

public securities shall be so endorsed or otherwise transferred as to put them at the absolute disposal of the said Bank of Madras, or on deposit of goods not of a perishable nature, and of an estimated value exceeding the amount of the loan by at least one-fourth.

goods to one-fourth more than the full amount.

XXXI. And it is hereby enacted, that the said Bank shall not be at any time in advance to the Government more than seven lakhs and a half of Company's Rupees, provided always that the holding of Government Securities, or of Bills of Exchange drawn upon the Government or of other Government acceptances or obligations derived to the said Bank from individuals and not overdue, or subscribed and paid for by the Bank, shall not be construed as being in advance to the Government within the meaning of this Clause.

Bank not to advance to Government more than 7½ lakhs.

XXXII. And it is hereby enacted, that the Directors of the said Bank of Madras shall not suffer any person or persons or body corporate keeping cash with the said Bank of Madras to overdraw his, her, or their account.

No person to be allowed to overdraw his account.

XXXIII. And it is hereby enacted, that the said Bank of Madras may issue Promissory Notes payable *either on demand*,* or at a date not exceeding thirty days after sight, which notes shall and may be signed on behalf of the said Bank by such person as the Directors of the said Bank may appoint or authorise in that behalf; Provided always, that the total amount of such notes in circulation at any one time shall not exceed one crore of Rupees, and provided also that no such note shall be for a smaller amount than ten Rupees.

Bank may issue notes within certain restrictions.

XXXIV. And it is hereby enacted, that it shall not be lawful for the said Bank to make, issue, or negotiate any note, bill, or other instrument containing any promise, undertaking, or order for the payment of money elsewhere than within the limits of India.

Bank not to make, &c., any note, &c., payable out of India.

* Repealed as to these words by Act XIX. 1861.

Directors may contract for safe keeping of imperishable goods.

XXXV. And it is hereby enacted, that it shall be lawful for the Directors of the said Bank of Madras to receive in deposit goods not of a perishable kind, and to contract for the safe-keeping of the same.

Bank books to be balanced half yearly. Governor in Council to be always entitled to require information.

XXXVI. And it is hereby enacted, that the Directors of the said Bank shall cause the books of the said Bank to be balanced on the 30th day of June and the 31st of December in every year, and that a statement of the balance on every such day, signed by a majority of the said Directers, shall be forthwith transmitted to one of the Secretaries to the Governor in Council of Madras, and that the Governor in Council of Madras shall at all times be entitled to require of the said Directors any information touching the affairs of the said Bank, and the production of any documents of the said Bank, and that the said Directors shall comply with every such requisition.

An account of profits to be taken twice every year, and dividend to be declared soon thereafter. Reserve of 5 per cent.

XXXVII. And it is hereby enacted, that an account of the profits of the said Bank shall be taken half yearly on the first day of January and the first day of July in every year, and that a dividend thereof shall be made so soon thereafter as conveniently may be, and that the amount of such dividend shall be determined by the Directors of the said Bank on the ground of the actual profits made by the said Bank during the six calendar months preceding the day up to which such half yearly account shall be taken; provided that such reasonable expenses as have been incurred in procuring this Act of Incorporation, shall, upon being audited and admitted by the said Directors be paid out of the funds of the Bank as soon as it is opened for business, and that the amount so paid shall be defrayed out of the future profits of the Bank at the discretion of the Directors, and provided that the said Directors, subject to the control and sanction of the proprietors at the generel meetings, shall have power, when they see fit, to set apart from such profits, a sum not exceeding five per cent. on the capital stock of the Bank as a reserve against contingencies.

General Meeting to be held every year for submission of statement of affairs and for other purposes.

XXXVIII. And it is hereby enacted, that on the first Monday of the month of March in every year a general meeting

of the proprietors of the capital stock of the said Bank shall be held, at which the Directors of the said Bank shall submit to the said proprietors a statement of the affairs of the said Bank, made up to the preceding 31st of December, and such General Meeting shall be competent to pass resolutions, and frame rules and directions relative to the affairs and conduct of the said Bank, which shall be binding on the Directors and officers of the Bank and on the Proprietors thereof, until rescinded or modified respectively by any subsequent General Meeting.

General Meeting may be convened at any time by three Directors or ten Proprietors on fifteen days' notice.

XXXIX. And it is hereby enacted, that any three of the said Directors of the said Bank, or any ten Proprietors of the capital stock of the said Bank, may at any time convene a General Meeting of the proprietors, upon giving fifteen days' previous notice of such meeting, and of the purpose or purposes for which the same shall be convened, as well to the Directors of the said Bank for the time being, as also by public advertisement in the Official Gazette of Madras. And any General Meeting so convened shall have the same powers and authorities as prescribed in the preceding Section of this Act for the annual General Meeting to be held in the month of March.

Branch Banks may be established with sanction of Governor in Council, and Court of Directors, but to be subject to the same provisions.

XL. And it is hereby enacted, that it shall be lawful for the Bank of Madras, with the sanction of the Governor in Council of Madras, and with the approbation of the Court of Directors of the East India Company, to establish Branch Banks at such places, and under such rules and restrictions as shall be determined by the proprietors at their general meetings. Provided, however, that such Branch Banks when so established, besides being subject to the rules and restrictions that may be imposed by the Proprietors, and to the control and orders of the Directors of the Bank of Madras, shall be bound by the same rules as to the description of business in which they are to engage, and the manner of conducting such business, and likewise in respect to the issue of notes payable on demand, and the retention of cash to meet the same, and in all transactions and matters herein above referred to, as are prescribed for the Bank of Madras by this Act.

Bank may apply dividends of indebted proprietor in payment of his debt, and may refuse to register the transfer of his shares till his debts paid.

XLI. And it is further enacted, that if any of the proprietors shall become indebted to the said Bank, it shall be lawful for the said Bank to withhold payment of the dividends on the share or shares of such proprietors registered as his, or her own property, and not as held in trust or as executor or administrator, until payment of such debt, and to apply such dividends towards payment thereof, and that after demand and default of payment, and notice in that behalf given, either to such proprietor, or his or her constituted agent, or by public advertisement in the Official Gazette, it shall be lawful for the said Bank to refuse registration of the transfer of any such share or shares of such proprietor until payment of such debt, and if the same shall remain unpaid for the space of six months after such notice, to advertise for public sale and to sell such share or shares, or so many as may be necessary, and to apply the proceeds thereof towards payment of such debt, with interest at the rate of six per cent. per annum, paying over the surplus, if any, to such proprietor, or his, or her lawful representative.

Bank not to be dissolved, or modified, except upon application, or consent, or after twelve months' notice. Bank's privileges to be forfeited on suspension of cash payments.

XLII. And it is further enacted, that the said Bank shall continue as hereby constituted until the first day of July, which will be in the year of our Lord 1850, and shall thereafter continue in like manner until duly dissolved or modified; provided, however, that after the said 1st day of July, 1850, the said Bank shall not, except upon the application or by the consent of the Proprietors of the said Bank, be dissolved or any wise modified, without previous notice of twelve months at the least being given by the Governor-General of India in Council, or by the Government of the Presidency of Fort Saint George, to the Directors of the said Bank for the time being of such intended dissolution or modification. Provided also, that in the event of the said Bank at any time suspending any cash payments, the benefits granted to the said Bank by the present Act of Incorporation shall be thenceforth forfeited.

SCHEDULE.

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Joseph Pugh,	Forty,	40	40,000
David Pugh,	Twenty,	20	20,000
John Utlay Ellis,	Twenty,	20	20,000
Joseph Goolden,	Six,	6	6,000
John Pugh,	Six,	6	6,000
Major George Hutchinson, 24th Regt. Nat. Inf.	Twelve,	12	12,000
Surgon Ramsay Sladen,	Twenty,	20	20,000
Peter John Phillipsz,	Twelve,	12	12,000
Nathaniel Brindley Acworth,	Fifty,	50	50,000
John Line,	Twenty,	20	20,000
James Thomson,	Twenty,	20	20,000
Surgeon Robert Baikie, M. D.,	Ten,	10	10,000
Lieut-Col. Frederick Larkins Doveton, 5th Regt. Lt. Cavalry,	Ten,	10	10,000
William Haylett,	Twenty,	20	20,000
James Cuddy,	Five,	5	5,000
James Scott,	Twenty,	20	20,000
John Binney Key,	Twenty,	20	20,000
William Scott Binny,	Ten,	10	10,000
Henry V. Collony,	Ten,	10	10,000
Surgeon John Wylie, M. D.,	Twelve,	12	12,000
Donald Mackenzie,	Twenty,	20	20,000
William Liddel,	Ten,	10	10,000
Colin C. Dunhil,	Four,	4	4,000
Mathew Dunhil,	Four,	4	4,000
Mark Dunhil,	Four,	4	4,000
Rev. George William Mahon,	Twenty,	20	20,000
John Carnac Morris,	Fifty,	50	50,000
Major James Macdonald, 45th Regt. Nat. Inf.	Fifteen,	15	15,000
James Ouchterlony,	Forty,	40	40,000
Lieut.-Col. Alexander Tulloch, C. B.,	Twenty-five,	25	25,000
John Murray, M. D.,	Ten,	10	10,000
Andrew Barrie,	Ten,	10	10,000
Edmund Marsden,	One,	1	1,000
Chocapah Chetty,	Four,	4	4,000
Surgeon George Harding,	Twenty,	20	20,000
John Dent,	Ten,	10	10,000
Robert Grant,	Forty,	40	40,000
Claud Currie,	Twenty,	20	20,000
Surgeon James Smith,	Five,	5	5,000
George Gahan,	Twenty,	20	20,000
Thomas Kennedy MacFadzen,	Ten,	10	10,000

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Eleazar Seth Sam,	Six,	6	6,000
Andrew Seth Sam,	Sixteen,	16	16,000
Verden Seth Sam,	Six,	6	6,000
Alexander Maclean,	Fifteen,	15	15,000
Captain Isaac Campbell Coffin, 12th Regiment, Native Infantry,	One,	1	1,000
Robert Clerk,	Fifteen,	15	15,000
William Hamilton Hart,	Twelve,	12	12,000
James Webster,	Ten,	10	10,000
William Scott,	Five,	5	5,000
John Scott,	Five,	5	5,000
Peter Bell,	Five,	5	5,000
Thomas Arthur Chamier,	Twelve,	12	12,000
Michael McDowell,	Twelve,	12	12,000
Lieut. Arthur Frederick Beavan, 39th regiment, Native Infantry,	Five,	5	5,000
Captain James Victor Hughes, 39th Regiment, Native Infantry,	Seven,	7	7,000
Edward Penton Thomson,	Thirty-five,	35	35,000
G. P. Thomson,	Thirty-five,	35	35,000
Archibald Francis Arbuthnot.	Twelve,	12	12,000
William McTaggart,	Twelve,	12	12,000
Alexander Mackenzie,	Twelve,	12	12,000
James Liddell,	Ten,	10	10,000
Major-General Robert Brice Fearon, C. B.,	Six,	6	6,000
Joseph Bainbridge,	Forty,	40	40,000
R. P. Wheeler,	Five,	5	5,000
William Wheeler,	Five,		5,000
Lieut. Herbert William Wood, 4th Regiment, Native Infantry,	Ten,	10	10,000
Charles William Eton,	Twelve,	12	12,000
Robert Stephenson,	Five,	5	5,000
Peter Carstairs,	Five,	5	5,000
The Hon'ble John Sullivan,	Forty,	40	40,000
Colla Vencatachella Chetty,	Twelve,	12	12,000
Alexander Inlis Cherry,	Twelve,	12	12,000
Alexander Fairlie Bruce,	Twenty,	20	12,000
Nicholas Barambeg,	One,	1	1,000
Captain James Smith, 1st N. V. Battalion,	One,	1	1,000
Surgeon Thomas O'Neill,	Ten,	10	10,000
Lieut.-Col. Scudamore Win de Steel,	Twenty,	20	20,000
Lieut.-Col. John Ogilvie,	Five,	5	5,000
Robert Frank,	Five,		5,000

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
James Minchin, . . .	Twenty,	20	20,000
Lieut.-Col. George Sandys, 3rd Regt. Light Cavalry, . . .	Twenty,	20	20,000
Henry Dickenson, . . .	Twenty,	20	20,000
William Johnson, . . .	Twenty,	20	20,000
Ruthnal Veerasawmy Naidoo, . .	Four,	4	4,000
Thomas Parker Waller, . . .	Twelve,	12	12,000
John Kickwick, . . .	Four,	4	4,000
Charles Kennett, . . .	One,	1	1,000
John Jordan, . . .	Two,	2	2,000
The Right Honorable John Lord Elphinstone,	Fifty,	50	50,000
Thomas Moore Lane, Surgeon, . .	Twelve,	12	12,000
Joseph Browing Pharoah, . .	Two,	2	2,000
John Goldingham, . . .	Twenty,	20	20,000
Henry Fox, . . .	Four,	4	4,000
William Miller, . . .	Five,	5	5,000
Leander Miller, . . .	Five,	5	5,000
Captain John Henry Cramer, 2nd M. E. Regt. Light Infantry, . . .	Five,	5	5,000
Francis Rencontre, . . .	Four,	4	4,000
Walter Elliot, . . .	Forty,	40	40,000
E. Brennen, . . .	Twelve,	12	12,000
Wheeler Hood George Mason, . .	Four,	4	4,000
Montague Robert Taynton, . .	Four,	4	4,000
Theodore Rencontre, . . .	Two,	2	2,000
George Gilbert Richardson, . .	Ten,	10	10,000
Malcolm Lewin, . . .	Fifty,	50	50,000
James William Burnside, . .	Two,	2	2,000
John D'Vaz, . . .	Two,	2	2,000
Coopala Ramanjaloo Naidoo, . .	Five,	5	5,000
Kenneth Macaulay, . . .	Fifteen,	15	15,000
George Monro Aiskell Storey, . .	One,	1	1,000
James Lacey Dighton, . .	Twenty,	20	20,000
Lieut.-Col. Peter Edmondstone Craigie, H. M.'s 55th., ...	Twenty,	20	20,000
Lieut. Stafford Vardon, Engineers, .	Five,	5	5,000
Antoine Francois De Colons, . .	Ten,	10	10,000
Surgeon Archibald Shanks, M. D. .	Fifteen,	15	15,000
Mrs. K. Chambers, . . .	Ten,	10	10,000
William Done Davis, . .	Thirty,	30	30,000
Captain John James McMurdo, 45th Regiment, Native Infantry, . . .	Two,	2	2,000
Captain Walter William Ross, 17th Regiment,			

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Native Infantry, . . .	Fifteen,	15	15,000
Captain John Thomas Smith, Engineers, .	Five,	5	5,000
Apothecary Henry Eason, . .	One,	1	1,000
Lieut.-Col. Robert Alexander, . .	Five,	5	5,000
Lieut.-Col. George E. Jones, K. H., H. M.'s 57th Regiment, . . .	Thirty,	30	30,000
Robert Dean Parker, . . .	Five,	5	5,000
Reverend M. Bowie, . . .	Four,	4	4,000
Lieut.-Col. Joseph Legget, 3d Regt. Light Infantry, ...	Five,	5	5,000
Sir Henry C. Montgomery, Bart, . .	Ten,	10	10,000
Captain Charles Edward Faber, Engineers, .	Four,	4	4,000
Noothalapauty Boohacarloo Naick, . .	Five,	5	5,000
Captain George Augustus Underwood, Engineers, ...	Twenty,	20	20,000
George Bird, ...	Eight,	8	8,000
Thomas William Nailer, . . .	Ten,	10	10,000
Lieut.-Col. John Hill Winbolt, 2d Regiment, Native Infantry, . . .	Ten,	10	10,000
John Horsley, ...	Five,	5	5,000
Captain James FitzGerald, 42d Regt. Native Infantry, ...	Three,	3	3,000
Assistant Surgeon William Rose, . .	Four,	4	4,000
Major Duncan Montgomerie, 7th Regiment, Lt. Cav., ...	Five,	5	5,000
Stewart Forbes, . . .	Five,	5	5,000
Henry Kennett, . . .	Five,	5	5,000
Major John Ward, 39th Regt. Native Inf., .	Two,	2	2,000
Captain Archibald Douglas, 49th Native Inf.,	Twenty-five,	25	25,000
F. E. A. Chamier, . . .	Five,	5	5,000
Frederick Mortimer Lewin, . .	Ten,	10	10,000
Captain George Logan, 41st Regt. Native Inf.,	Five,	5	5,000
Captain Augustus De Butts, Engineers, .	Two,	2	2,000
Captain Richard Budd, 32d Regt. Native Inf.,	Ten,	10	10,000
John Trebeck Conran, Surgeon, . .	Five,	5	5,000
Captain Daniel Duff, 37th Regt. Native Inf., .	Five,	5	5,000
Major William Taylor, 39th Regt. Native Infantry, ...	Ten,	10	10,000
Lieut.-Col. James Perry, 31st Regt. Light Inf.,	Five,	5	5,000
Capt. Archibald Woodburn, 40th Regt. Native Infantry, ...	Five,	5	5,000
Capt. Francis Gresley, H. H. Nizam's Army, .	Five,	5	5,000
Major Alexander Lawe, Engineers, . .	Five,	5	5,000

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees
The Venerable Henry Harper, A. M. Archdeacon,	Five,	5	5,000
John Charles Starkenburgh,	One,	1	1,000
Robert Orr Campbell,	Four,	4	4,000
Lieut.-Col. John James Underwood, Engineers,	Ten,	10	10,000
C. C. Vencatachellum Moodelly,	Two,	2	2,000
C. Colenda Moodelly,	One,	1	1,000
Stewart Johnson Young,	Four,	4	4,000
John Frederick Jennings, Veterinary Surgeon,	Five,	5	5,000
Major General Francis Whish Wilson,	Twenty-five,	25	25,000
Major Edward Archdale McCurdy, 27th Regt. Native Infantry,	Ten,	10	10,000
Assistant Surgeon James Supple,	Ten,	10	10,000
Henry Martin Blair,	Ten,	10	10,009
Assistant Surgeon James Eaton, M. D.,	Twelve,	12	12,000
Thomas W. Goodwyn,	Ten,	10	10,000
Assistant Surgeon Alexander Braithwaite Morgan, H. M.'s 55th,	Five,	5	5,000
T. Soolochenum Moodelly,	Twenty,	20	20,000
Joseph Roberts,	Twelve,	12	10,000
Brigadier James Wahab, C. B.,	Ten,	10	10,000
Mrs. Gertrude E. Williams,	Ten,	10	10,000
Surgeon John Brown, M. D.,	Five,	5	5,000
Thomas Turner,	Ten,	10	10,000
David Rous Limond,	Ten,	10	10,000
George S. Britain,	Twenty-five,	25	25,000
Richard Taylor,	Fifteen,	15	15,000
Canoor Arnachellum,	Seven,	7	7,000
William Bensley Anderson,	Ten,	10	10,000
Dr. Alexander Smith, of Bengal,	Forty,	40	40,000
Major Westrop Watkins, 36th Regt. Native Infantry,	Ten,	10	10,000
William Anderson,	Eight,	8	8,000
Colonel William Cullen,	Twenty,	20	20,000
John Rosmali Cocq,	Six,	6	6,000
Captain Thomas Larkins,	Forty,	40	40,000
George James Casamajor,	Thirty,	30	30,000
Patrick Grant,	Twenty,	20	20,000
Surgeon Cornelius Desormeaux,	Two,	2	2,000
Captain John Charles Hawes, 1st M. E. Regt.	Twenty,	20	20,000
Captain George Leacock, 51st Regt Native Infantry,	Six,	6	6,000
Gundavady Vencataram Chetty,	One,	1	1,000

Names.	Number of Shares of 1,000 Rs. each.		Amount in Rupees.
Rungamah,	One,	1	1,000
Major John Wynch, Artillery,	Five,	5	5,000
Lieutenant John Ouchterlony, Engineers,	Four,	4	4,000
Vurdarajooloo Naicker,	Two,	2	2,000
Edward Samual Atkinson,	Ten,	10	10,000
Miss Charlotte Eliza Anne Gardner,	Five,	5	5,000
Miss Martha Mary Louisa Gardner,	Five,	5	5,000
Henry James Gardner,	Five,	5	5,000
Captain C. J. Westley, Bombay Army,	Ten,	10	10,000
Andrew Robertson,	Twenty,	20	20,000
Edward Peters,	Twelve,	12	12,000
Lieut.-Col. Charles Dennis Dun, 44th Regt. Native Infantry,	Fifteen,	15	15,000
William Elphinstone Underwood,	Fifteen,	15	15,000
William Waddell,	Twenty,	20	20,000
Edward Vincent,	Two,	2	2,000
Mrs. Hosanna Arathoon Kerakoose,	Fifty,	50	50,000
Nathaniel William Kindersley,	Ten,	10	10,000
Captain William Henry Simpson, 36th Native Infantry,	Seven,	7	7,000
Joseph Barrow,	Fifteen,	15	15,000
Benjamin Cardozo,	Five,	5	5,000
Felix Phillips,	Five,	5	5,000
Hew Drummond Elphinstone Dalrymple,	Twenty,	20	20,000
Narrain Doss Gopaul Doss,	Twelve,	12	12,000
Jevaram Davy,	Four,	4	4,000
Captain James Palmer Woodward, 9th Regt. Native Infantry.	Five,	5	5,000
Gurderdoss Gobindoss,	Twelve,	12	12,000
P. Dasekah Charloo,	Two,	2	2,000
Vembaukum Nursingiah, Braminy,	Two,	2	2,000
Vembaukum Ragavah Charrier,	Two,	2	2,000
Major Frederick Minchin, 47th Regiment, Native Infantry,	Twenty,	20	20,000
A. Vencatachellum Chetty,	Four,	4	4,000
Girdirdoss Vallabadoss,	Twelve,	12	12,000
William Paten,	Two,	2	2,000
Miss Maria Paten,	One,	1	1,000
Miss Catherine Paten,	One,	1	1,000
Miss Louisa Paten,	One,	1	1,000
Col. Charles Augustus Elderton, 52d Regt. Native Infantry,	Ten,	10	10,000
Capt. John Henry Bawden Cougden, 2d Regt. Native Infantry,	Five,	5	5,000

Names.		Number of Shares of 1,000 Rs. each.	Amount in Rupees.
J. Holland, Dy. Qr. Master Gen. Bombay Army,	Ten,	10	10,000
Lieut.-Col. Wm. Martin Burton, Artillery,	Five,	5	5,000
Captain Alexander Shirriffs, 21st Regt. Native Infantry,	Five,	5	5,000
Captain Peter Thomas Cherry, 1st Regiment, Light Cavalry,	Five,	5	5,000
Col. Thomas Fiddes,	Seven,	7	7,000
			27,00,000

ACT No. X. OF 1843.

Repealed by Act XXV. 1848 and by Act XXIII. 1858.

ACT No. XI. OF 1843.

BOMBAY.

1. *Reg. XVI. 1827, Secs. 17, 18, rescinded.*

2. *All Hereditary Officers of the Revenue, Police, or Civil Departments shall render their services as may be required by their several superiors.*

3. *Control of a Hereditary Office, when its duties fall in more than one department.*

4. *When the duties of a Hereditary Office are claimed in rotation, the Officer to whom they are to be rendered may require the sharers to nominate from among themselves a permanent representative, and on their default may select one himself.*

5. *The controlling Officer may in certain cases, and subject to appeal, refuse to confirm the nomination of the sharers.*

6, 7. *The controlling Officer may punish officiating Hereditary Officer for misconduct by suspension.*

8. *Powers of controlling Officer on investigation previous to dismissal of Hereditary Officers.*

9. *If Hereditary Officer be convicted of fraud, &c., by any Sessions Court, the Wuttun may be confiscated and person appointed to do its duties.*

10. *Duties not be performed in person by a female.*

11. *If Hereditary Officer be incapable of discharging personally the duties of the Office, the controlling Officer may call on the guardians to appoint a deputy, and on default may appoint one himself.*

12. *Deputies under this Act to be subject to the same rules and penalties as the principals, and the Wuttun to be confiscable on conviction of a deputy.*

13. *The rights of sharers to the rents and profits, after provision for the fit maintenance of the officiating Hereditary Officer, not to be barred.*

14. *When controlling Officer appoints a Deputy, he may also assign him a fit remuneration.*

15. *Certain terms used in Reg. XVI.* 1827, *and Reg. V.* 1833, *to apply to all Hereditary Offices and Officers.*

An Act for regulating the service of Hereditary Officers under the Presidency of Bombay.

Preamble.—Whereas it has been found that the provisions of Regulation XVI. 1827, of the Bombay Code, are insufficient to secure the efficient discharge of the duties of Hereditary Officers.

Reg. XVI. 1827, Ss. 17, 18, rescinded.

I. It is hereby enacted, that Sections 17 and 18 of Regulation XVI. of 1827, of the Bombay Code, be rescinded.

All Hereditary Officers of the Revenue, Police, or Civil Departments shall render services as required by their superiors.

II. And it is hereby enacted, that all Hereditary Officers, of whatever denomination, belonging to or employed in the management of the land revenue or of the customs or town duties, or excise, or other revenue, or in the Police, or in the civil administration of the country, shall render the usual services of their respective Offices, as far as the same may be required by the Collector or other officer under whose control they may be placed by usage or the orders of Government.

Control of a Hereditary Office, when its duties fall in more than one department.

III. And it is hereby enacted, that, when the duties of a Hereditary Office fall in more than one department, it shall be competent to the Governor in Council of Bombay to prescribe what Officer shall be vested with the control of such Office.

When the duties of a Hereditary Office are claimed in rotation, the Superior Officer may require the sharers to nominate from among themselves a permanent representative.

IV. And it is hereby enacted, that it shall be competent to the Collector or other Officer to whom the duties of a Hereditary Office are, as provided in Clause 2, to be rendered, when the performance of those duties is claimed in rotation by different sharers, to require that the sharers in the Wuttun shall nominate a fit and proper person from among their num-

ber, who shall hold the Office as the representative of the family either during life, or for such term, not being less in each instance than (five) 5 years, as the Collector or controlling Officer shall determine with the sanction of the Governor in Council, and in the event of the sharers not so nominating, when required, one or more of their number within a reasonable period, to be fixed by the Collector or controlling Officer, the Collector or controlling Officer shall himself exercise the power of selection, subject to the approval of the Governor in Council.

The controlling Officer may in certain cases, and subject to appeal, refuse to confirm the nomination of the sharers.

V. And it is hereby enacted, that it shall be competent to the Collector or controlling Officer to refuse to confirm the nomination by the sharers of any individual, if he shall have reason to think, that, from age or personal disqualification, the duties of the Office will not be properly performed by him, or if from character and past conduct the person nominated be considered unworthy of trust; provided that the ground of such refusal shall be recorded in writing, and that an appeal from such decision shall lie to the Governor in Council, whose order thereon shall be final.

The controlling Officer may punish officiating Hereditary Officer for misconduct by suspension.

VI. And it is hereby enacted, that the Collector or controlling Officer shall have power to punish officiating Hereditary Officers for misconduct or neglect of duty by suspension from office, pay, and emolument, or by fine not exceeding the computed official emolument of their offices for three months, and to levy the said fine in the mode authorised for realizing revenue demands.

Or by dismissal.

VII. And it is hereby enacted, that the Collector or controlling Officer, in cases of misconduct or incompetency on the part of an officiating Hereditary Officer, shall have power to dismiss such Officer from his employment, but no such dismissal shall take place, except on an investigation recorded in writing, which shall be submitted for the approval and sanction of the Governor in Council.

Powers of controlling Officer on investigation previous to dismissal of Hereditary Officers.

VIII. And it is hereby enacted, that, in conducting the investigation prescribed in the preceding Section, the Collector or controlling Officer shall have the same authority as a Magistrate in compelling the attendance of parties and witnesses, and the production of papers, and in taking evidence.

If Hereditary Officer be convicted of fraud, &c., the Wuttun may be confiscated.

IX. And it is hereby further enacted, that, whenever any such Hereditary Officer shall be convicted of fraud or malversation, or of any Criminal offence in the conduct of the duties of the office by any Session Court, it shall be lawful for the said Governor in Council, to direct the confiscation of the Wuttun, either wholly or in part, and after such confiscation, the duties of the office shall be performed by such person as the Governor in Council shall appoint, and the surplus proceeds of the Wuttun shall be disposed of for the benefit of the parties previously entitled thereto, or otherwise in such manner as the said Governor in Council may direct.

Duties not be performed in person by a female.

X. And it is hereby enacted, that no female shall perform in person the duties of any Hereditary Office.

If Hereditary Officer be incapable of discharging personally the duties of the office, the controlling Officer may call on the guardians to appoint a deputy.

XI. And it is hereby enacted, that, if any Hereditary Officer is incapable of personally discharging the duties of his or her office by reason of sex, minority, mental or bodily infirmity, or manifest incapacity, it shall be lawful for the Collector or controlling Officer to call upon him or her, or his or her guardians, to appoint a Deputy, subject to his approval, and on the party or parties failing to appoint a fit Deputy, within a reasonable period, the appointment shall be made by the said Collector or controlling Officer.

Deputies to be liable to the same rules and penalties as the Principals.

XII. And it is hereby enacted, that all Deputies appointed to perform the duties of Hereditary Offices under this Act, and under Section 4, Regulation V. 1833, of the Bombay Code, shall be subject to the same rules and penalties as the Principals, and that the Wuttun of the office shall be liable to confiscation upon the conviction by any Sessions Court of any Deputy appointed by the Hereditary Officer in the same manner

as it would be under the 9th Section of this Act upon the conviction of the Hereditary Officer himself.

Sharers to participate in the surplus rents and profits of the

XIII. And it is hereby enacted, that nothing contained in this Act shall be construed to debar the right of any sharer to participate in the rents and profits of any Hereditary Office so held and filled as above provided, after provision shall have been made thereform for the fit maintenance of the officiating Hereditary Officer, for which purpose it shall be competent to the Collector or controlling Officer to fix and assign a specific portion of such rents and emoluments, leaving the remainder only subject to the claims of the other sharers,—and further that the portion of the rents and emoluments so fixed and assigned shall be the official remuneration of the officiating Hereditary Officer, and shall not be liable to civil process of any Court of Law.

If Collector appoint a Deputy, he may fix his remuneration.

XIV. And it is hereby enacted, that, whenever it may be necessary, as hereinbefore provided, that the Collector or controlling Officer shall appoint a Deputy to conduct the duties of a Hereditary Office, it shall be lawful for him to assign to such Deputy a fit remuneration from the rents and profits of the said office.

Interpretation.

XV. And it is hereby enacted, that the terms " Hereditary District or Village Office or Officers," " or Hereditary District or Village Revenue Office or Officers," used in Regulation XVI. 1827, and Regulation V. 1833, of the Bombay Code, shall be held to apply to all descriptions of Hereditary Offices and Officers.

ACT No. XII. OF 1843.

Repealed by Act X. 1861.

ACT No. XIII. OF 1843.

Repealed by Act XXXVII. 1850.

BENGAL.

ACT No. XIV. OF 1843.*

1. *Reg. XVI. 1829, and Act II. 1838, repealed, and Reg. IX. 1810, and other Regulations and Acts partially repealed.*

2. *Specification, duties leviable upon import of Salt and Cotton and export of Misree, Kund Chenee, Goor Rab, Sheerah, and Saccharine produce. Import of Sugar prohibited.*

3. *Local Government empowered from time to time to make order for the collections of the above duties.*

4. *Manufacture of alimentary Salt without express sanction from Government prohibited—penalty for engaging in or preparing works for or conniving at illicit manufacture, Rs. 500, and destruction of Salt works, and seizure of Salt in store.*

5. *Powers of Collectors of Customs and Land Revenue with regard to Salt works, and persons engaged in them.*

6. *Powers of seizure and confiscation in regard to importation of Sugar and irregular importation or exportation of other articles.*

7. *Penalty for evasion or contravention of this Act, Rs. 500.*

8. *Customs Officers may search carriages and packages on reasonable grounds of suspicion.*

9. *Collector, &c., to report all seizures within his jurisdiction to Commissioner of Revenue, who may confiscate the articles seized or impose lesser penalty.*

10. *Customs Officers may apprehend any person on reasonable grounds of suspicion, but shall make him over without delay to the Magistrate for trial.*

11. *Penalty for groundless search by Customs Officer Rs. 250, and for groundless apprehension of persons Rs. 500.*

12. *All Magistrates, &c., may receive and determine charges against any persons under this Act. Sentences to be open to appeal.*

13. *All Police and Revenue Officers to aid the Customs Officers in carrying out this Act.*

14. *Act not to apply to Saugor and Nerbudda territories, nor to Ajmere.*

An Act for regulating the levy of Customs Duties, and the manufacture of Salt in the North Western Provinces of the Presidency of Bengal.

Reg. XVI. 1829, and Act II. 1838, repealed, and Reg. IX. 1810, and other Regulations and Acts partially repealed.

I. It is hereby enacted, that Regulation XVI. 1829, Act II. 1838, and so much of Regulation IX. 1810, and of any other

* This Act has been modified successively by Acts XIX. 1854, and XXXVI. 1855, Secs. 1, 9, and XVII. 1862, Secs. 1, 2.

Regulation and Act, as affects the collection of Customs duties or the manufacture of Salt in the North Western Provinces of the Presidency of Bengal, shall be repealed from the first day of September, 1843.

Duties leviable upon import of Salt and Cotton and on export of Misree, Kund, Chenee, Goor, Rab, Sheerah, and Saccharine produce. Import of Sugar prohibited.

II. And it is further enacted, that, from and after the day abovementioned, the following and no other duties of Customs shall be leviable upon the import and export of articles into and from the North Western Provinces of the Presidency of Bengal, that is to say:—

On the import of Salt, of all descriptions, two Rupees per Maund, and a further duty of one Rupee per Maund on the transmission thereof to the Eastward of Allahabad.

On the import of Cotton, uncleaned, four annas per Maund; cleaned, eight annas per Maund.

On the export of Misree, Kund, Chenee, and all clayed and refined Sugar, eight annas per Maund; Goor, Rab, Sheerah, and all unclayed and unrefined Saccharine produce, three annas per Maund.

The import of Sugar into any part of the said Provinces, is and shall remain prohibited.*

Government empowered to make orders for the collections of the above duties.

III. And it is further enacted, that it shall be lawful for the Government of the said Provinces from time to time to make and issue such orders as may be deemed expedient for the collection of the aforesaid duties in such manner, and upon such line or lines, and at such places on or near such line or lines as may seem fit, and all such orders shall have the same force as if they formed a part of this Act from the date notified in the Gazette, wherein they shall be published.

Manufacture of alimentary Salt without express sanction from Government prohibited—Penalty.

IV. And it is further enacted, that from and after the first day of September, 1843, the manufacture of alimentary Salt throughout the North Western Provinces of the Presidency of Bengal without the express sanction of the Government is

* This Section has been modified by Act XXXV. 1855, and by Act I. 1860.

prohibited; and that any person engaging in the manufacture of such Salt, or preparing or causing to be prepared works for the manufacture of such Salt, without such sanction, and all Zemindars or other proprietors of land or their Agents, conniving at such illicit manufacture, shall, on conviction by the Magistrate within the limits of whose district the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment of such fine, by imprisonment not exceeding six months with or without hard labor, and that all works, at which such manufacture shall have been conducted or which are designed for such manufacture, shall be destroyed, and any Salt which may be manufactured or stored thereat shall be seized and confiscated.

Powers of Collectors with regard to Salt works, and persons engaged in them.

V. And it is further enacted, that it shall be lawful for the Collectors of Customs and the Collectors of Land Revenue within their jurisdictien, to destroy all works for the manufacture of Salt, and to seize the Salt stored thereat, and to apprehend the persons concerned in the manufacture thereof, and make them over for trial to the Magistrate within the limits of whose district the offence may have occurred.

Powers of seizure and confiscation in regard to importation of Sugar, irregular importation or exportation of other articles.

VI. It is further enacted, that all Sugar imported into the said Provinces, and all articles imported or exported without payment of the duty imposed by this Act, or in contravention of the orders which may be made and issued under the provisions thereof, and all boats, carriages and conveyances, and all animals used in transporting the same, shall be liable to be seized and confiscated in the manner hereinafter mentioned.

Penalty for evasion, or contravention of this Act, Rs. 500.

VII. And it is further enacted, that all persons evading or attempting to evade the payment of the duties imposed by this Act, and all persons aiding or abetting such attempts or evasions, or in any manner acting in contravention of this Act, or of any order made and issued under the provisions thereof, and all Zemindars and other proprietors of land, or their agents, who shall wilfully connive at such attempts or evasions or aid such acts, shall on conviction by the Magistrate

within the limits of whose district the offence may have occurred, be punished by a fine not exceeding 500 Rupees, and on non-payment thereof by imprisonment not exceeding six months with or without hard labor.

Customs Officers may search carriages and packages on reasonable grounds of suspicion.

VIII. And it is further enacted, that it shall be lawful for all officers of the Customs Department to search any carriages and conveyances and any packages, upon reasonable grounds of suspicion that such carriages, conveyances or packages, contain any articles made subject to duty or prohibited to be imported by this Act, and to detain all such articles as may be liable to confiscation under the provisions thereof.

Collector, &c., to report all seizures within his jurisdiction to Commissioner of Revenue.

IX. And it is hereby enacted, that, whenever any articles or goods shall be seized or detained under the provisions of this Act, the Collector or Deputy Collector of Land Revenue or Customs, within whose jurisdiction such seizure or detention shall occur, shall, with all practicable expedition, report the case for the determination of the Commissioner of Revenue, and it shall be lawful for such Commissioner to declare such articles or goods to be confiscated, or to impose such lesser penalty in lieu thereof as to him may seem fit.

Customs Officers may apprehend any person on reasonable grounds, but shall make him over without delay to the Magistrate.

X. And it is hereby enacted, that it shall be lawful for all officers in the Customs Department to apprehend any person upon reasonable grounds of suspicion that such person is liable to punishment under this Act, and to make him over for trial with all practicable expedition to the Magistrate within whose jurisdiction the offence may occur.

Penalty for groundless search Rs. 250, and for groundless apprehension Rs. 500.

XI. Provided always, that any officer of the Customs Department, who shall without reasonable grounds of suspicion search any carriage or conveyance or any package, shall upon conviction thereof before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 250 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding three months; and provided also,

that any officer of the Customs Department who shall, under colour of this Act, apprehend any person without reasonable grounds of suspicion that such person is liable to punishment under this Act, shall, upon conviction before the Magistrate within whose jurisdiction the offence may have been committed, be punished with fine not exceeding 500 Rupees, which fine shall be paid over to the party aggrieved, and on non-payment of such fine, with imprisonment not exceeding six months.

All Magistrates, &c., may receive and determine charges against any persons under this Act.

XII. And it is hereby enacted, that all Magistrates, or persons exercising the powers of Magistrate, shall be competent to receive and determine all charges against persons thus made over to them for trial on account of offences against this Act, and that all sentences passed in pursuance of the Act, shall be open to appeal under such Rules as may from time to time be laid down for the cognizance of appeals in ordinary cases.

All Police and Revenue Officers to aid the Customs Officers.

XIII. And it is hereby enacted, that all officers of Police, and all officers of the Government engaged in the Collection of the Land Revenue, are empowered and required to aid and assist the officers of the Customs Department in the execution of this Act.

Act not to apply to Saugor and Norbudda territories, nor to Ajmere.

XIV. And it is further enacted, that nothing in this Act contained shall apply or be deemed to apply to the Saugor and Nerbudda Territories, or to the district of Ajmere.

BENGAL.

ACT No. XV. OF 1843.*

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1. *Local Governments may appoint uncovenanted Deputy Magistrates.*
2. *Deputy Magistrate before entering on his office to make before the Magistrate a declaration according to Act XXI. 1837.*
3. *Deputy Magistrate may be employed as a Judicial Officer, or as*

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* This Act has been modified by Act XVII. 1862.

an Officer of Police, or both His powers as a Judicial Officer. To be in all respects subordinate to the Magistrate as an Officer of Police.

4. *Uncovenanted Revenue or Judicial Officer may hold at the same time the office of Deputy Magistrate.*

5. *Deputy Magistrate not to be dismissed without sanction of Government. The Magistrate may report him, and the Local Government may suspend, or dismiss him, or order further enquiry.*

6. *No person, by reason only of religion, place of birth, descent or colour, to be disabled from holding office of Deputy Collector.*

An Act for the more extensive employment of Uncovenanted Agency in the Judicial Department.

Whereas the exigencies of the Public Service require that the Police and Criminal Branch of the Judicial Department should be strengthened by the more extensive employment of Uncovenanted Agency,

Uncovenanted Deputy Magistrates may be appointed.

I. It is hereby enacted, that it shall be competent to the Local Governments of both Divisions of the Bengal Presidency to appoint in any Zillah or District one or more uncovenanted Deputy Magistrates with the powers hereinafter specified.

Deputy Magistrate to make a declaration according to Act XXI. 1837.

II. And it is hereby enacted, that every person appointed to the office of Deputy Magistrate under this Act, shall, previously to entering upon the execution of the duties of his Office, make and subscribe before the Magistrate of the District to which he may be appointed, a declaration according to Act XXI. 1837.

Deputy Magistrate may be employed as a Judicial Officer, or as an Officer of Police, or both. His powers as a Judicial Officer. To be subordinate as an Officer of Police.

III. And it is hereby enacted, that a Deputy Magistrate appointed under this Act shall be capable of being employed as a Judicial Officer, or as an Officer of Police, or both, at the discretion of the Local Government. As a Judicial Officer he shall exercise the powers of a Covenanted Assistant under Regulations XIII. 1897, IX. 1807, or III. 1821, or the full powers of a Magistrate according to such orders as may from time to time be issued in that respect by the Local Government, and in such cases he shall be subject to such authority in regard to Appeals from his decisions and judicial orders as is provided for the decisions and orders of a Covenanted

Assistant under the above Regulations, or of a Magistrate respectively. As an Officer of Police he shall be in all respects subordinate to the Magistrate under whom he may be placed; he shall exercise such powers as the Government, or the Magistrate with the sanction of Government, may commit to him, and shall obey all orders that may be issued, and perform all duties that may be assigned to him by that functionary, who shall be at all times competent, subject to such orders as he may receive from the Local Government, to extend, limit or resume the powers committed to such Deputy.

Uncovenanted Revenue or Judicial Officer may hold at the same time the office of Deputy Magistrate.

IV. And it is hereby enacted, that nothing in this Act contained shall be held to disqualify any uncovenanted officer in the Revenue and Judicial Departments, from holding at the same time with any other office, the office of Deputy Magistrate.

Deputy Magistrate not to be dismissed without sanction of Government.

V. And it is hereby enacted, that a Deputy Magistrate appointed under this Act, shall not be dismissed from office for misconduct, without the sanction of the Local Government. Whenever there may be reason to believe that a Deputy Magistrate is disqualified by neglect, incapacity or corruption for continuance in office, a report shall be submitted by the Local Magistrate for the consideration and orders of the Local Government which shall be competent to suspend him, and order a further enquiry into his conduct, or to direct his immediate dismissal as may appear just and proper.

No person, by reason only of religion, place of birth, descent or color, to be disabled from holding office of Deputy Collector.

VI. And it is hereby declared, that no native of the territories subject to the Government of the East India Company, nor any natural born subject of Her Majesty resident therein is, by reason only of his religion, place of birth, descent, color, or any of them, disabled from holding the office of Deputy Collector under Regulation IX. of 1833.

ACT No. XVI. OF 1843.* BENGAL.

Reg. IX. 1808, Secs. 2, 3, and Reg. XVI. 1810, Secs. 16, 17, repealed.

An Act regarding the offering of rewards for the apprehension of offenders.

Whereas inconvenience has been experienced from the rules in force, which provide that Magistrates shall apply to the Courts of Sudder Nizamut Adawlut and the Courts of Circuit, or Courts exercising the powers of Old Courts of Circuit, when it may appear advisable to offer a reward for the apprehension of a known offender, or the discovery of unknown offenders in caess of magnitude. And whereas it is expedient that all such applications should be made to such Officer or Officers as from time to time may be empowered by the Local Governments to authorize the grant of rewards.

It is hereby enacted, that Sections 2 and 3, Regulation IX. of 1808, and Sections 16 and 17, Regulation XVI. of 1810, of the Bengal Code, be and the same are hereby repealed.

ACT No. XVII. OF 1843. SUPREME COURTS.

1. *Where there is no trustee willing or capable to act, the Supreme Court, on petition, may appoint the Registrar or other Officer as Official Trustee.*
2. *Official Trustee to cause the property to be invested as the Court may direct, and to be paid a commission one per cent.*
3. *Court may make on petition any orders respecting property vested in Official Trustee.*
4. *Court not to be prevented from directing the re-transfer of the property to the original or new Trustees.*
5. *A gift, legacy, or residue to Infant may be paid or transferred to the Official Trustee.*
6. *This Act to extend to the property of Infants or Lunatics in the hands of the Ecclesiastical Registrar, except as to commission.*

An Act for the appointments of Official Trustees in certain cases.

Whereas the property of Infants, Feme Coverts and others vested in Trustees, is exposed to peculiar risks and burthens in

the territories subject to the government of the East India Company, not only from the insolvency of Trustees, but from the frequent difficulties occasioned by their death, or absence, or refusal or incapacity to act.

Where there is no trustee willing or capable to act, the Supreme Court, on petition, may appoint the Registrar, &c., as Official Trustee.

I. It is hereby enacted, that, in all cases in which any property is subject to any Trust, and there shall be no Trustees willing to act, or capable of acting within the jurisdiction of Her Majesty's Court in the said territories, it shall be lawful for the Supreme Court of each of the Presidencies in the said territories, on petition to appoint the *Registrar, or such other Officer of the Court, as the Court may from time to time select as the Official Trustees,** under the provisions of this Act to be a Trustee of such property, and that upon such appointment such property shall vest in such officer and his successors in office, and shall be held by them upon the same Trusts as the same was held previous to such appointment.

Official Trustee to cause the property to be invested as the Court may direct.

II. And it is hereby further enacted, that such Officer shall cause such property to be invested in Government Securities or otherwise, as the Court shall direct, and that he shall be entitled to a commission of one per cent. upon the amount thereof.

Court may make on petition any orders respecting the property.

III. And it is hereby further enacted, that it shall be lawful for the Court to make any orders respecting such property so vested in such Official Trustee or the interest or produce thereof, and that all such orders shall be made on petition, unless the Court shall direct a Bill to be filed.

Court may direct the re-transfer of the property to Trustees.

IV. And it is hereby provided, that nothing in this Act contained shall prevent the re-transfer of the said property to the original or any subsequently appointed Trustees or otherwise, as the Court shall direct.

A gift, legacy, &c., to Infant may be paid or transferred to the Official Trustee.

V. And it is hereby further enacted, that where any Infant or Lunatic shall be entitled to any Gift, or Legacy, or

* By Act VIII. 1855, the Administrator General is to be appointed Official Trustee.

Residue, or Share thereof, it shall be lawful for the Executor or Administrator, by whom such Legacy or Residue may be payable or transferable, or the party by whom such gift shall be made, or any Trustee thereof, to pay or transfer the same to the Official Trustee appointed under this Act, and that the receipt of such Official Trustee shall be a discharge for the same, and that the same shall be subject to the like provisions as are contained in this Act, as to other property vested in such Official Trustee under the provisions thereof.

Property of Infants or Lunatics in the hands of the Ecclesiastical Registrar.

VI. And it is hereby further enacted, that the provisions of this Act, except as to the commission to be allowed under the same, shall extend to any property of Infants or Lunatics in the hands of the Ecclesiastical Registrar of each of the said Courts as Official Administrator.

No. XVIII. OF 1843.

GENERAL.

The Local Government may authorize the reception and detention in the Territories of any Native Prince, for the period specified, of persons sentenced to imprisonment or transportation for Thuggee, Dacoity, &c., before a tribunal in which a Covenanted Servant in one of the Presiding Judges.

An Act for the better custody of persons, convicted of Thuggee and Dacoity.

Whereas it often happens that the offence of Thuggee and Dacoity are committed by gangs, as well within the territories subject to the government of the East India Company, as in those of Native Princes or States in alliance with the said Company, and it may be necessary for the safety of persons and property within the territories subject to the government of the East India Company, that persons convicted of the like offences within the territories of such Princes or States, should be kept in secure custody, which cannot always be done within the last mentioned territories.

It is hereby enacted, that it shall be lawful for the Local Government of any part of the territories subject to the Govern-

ment of the East India Company, to authorize the reception and detention in any part of those territories, for the periods specified in their respective sentences, of persons sentenced to imprisonment or transportation for the offences of Thuggee, Dacoity, or the offences of belonging to any gang of Thugs or Dacoits, within the territories of any Native Prince or State in alliance with the said Company. Provided always; that such sentences shall have been pronounced after trial before a tribunal, in which a Covenanted Servant of the East India Company duly authorized in that behalf by such Prince or State, shall be one of the presiding Judges. And it is hereby enacted, that every Servant of the East India Company so authorized as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceeding held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment may be carried into effect.

GENERAL.

ACT No. XIX. OF 1843.

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1. *Repeal. Act No. I.* 1843.
2. *Deeds of sale or gift of real property, if registered, shall invalidate other such deeds not registered; and registered deeds of mortgage, and certificates of discharge of incumbrance shall be satisfied in preference to others unregistered.*
3. *No conveyance, &c., affecting title to land, other than such deed or certificates as aforesaid, shall be void for want of registration.*

An Act for amending the law respecting the registration of certain deeds.

Whereas doubts have risen as to the true meaning and construction of Act No. I. of 1843.

I. It is hereby enacted, that the said Act is repealed, except in so far as it repeals all provisions contained in any Regulation or Regulations of the Bengal, Madras, or Bombay Codes, touching the knowledge or notice had by parties to registered conveyances or other instruments affecting titles or other interests therein of the existence of unregistered con-

veyances or other instruments affecting such titles or other interests therein.

II. And it is hereby enacted, that from the first day of May last past every deed of sale or gift of lands, houses or other real property, a memorial of which has been or shall be duly registered according to law, shall, provided its authenticity be established to the satisfaction of the Court, invalidate any other deed of sale or gift for the same property which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed—and that from the said day every deed of mortgage on land, houses and other real property as well as certificates of the discharge of such incumbrances, a memorial of which has been or shall be duly registered according to law, and provided its authenticity be established to the satisfaction of the Court, shall be satisfied in preference to any other mortgage on the same property which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage, any knowledge or notice of any such unregistered deed or certificate alleged to be had by any party to such registered deed or certificate notwithstanding. Provided always, that nothing in this Section contained shall be construed to extend to any deed or certificate made before the said first day of May last past.

III. And it is hereby declared and enacted, that no conveyance or other instrument affecting title to land or any interest in the same, whether made before or after the said first day of May last past, other than such deeds or certificates as aforesaid, are or shall be in any respect void for want of registration, any Act, Regulation or Law to the contrary notwithstanding.

ACT NO. XX. OF 1843.

Expired.

GENERAL.

ACT No. XXI. OF 1843.

1. *Repealed.*

2. *Governor-General in Council may nominate a Protector of Emigrants at Calcutta, and no Emigrant shall embark without a certificate from the Emigration Agent countersigned by the Protector.*

An Act for regulating the Emigration of Labourers from India to Mauritius.

I. Whereas it has been represented that the demands of the Island of Mauritius for agricultural labour will, by the end of this year, be greatly diminished, and it is desirable that effectual measures should be adopted for providing a larger proportion of Female Emigrants to that Island than has been procured under the present system of Emigration; it is therefore enacted, that, from and after the first day of January next ensuing, Emigration to Mauritius shall *only lawfully take place* under the provisions of the Act No. XV. of 1842, *from the Port of Calcutta.**

II. And it is hereby enacted, that it shall be competent to the Governor-General in Council to nominate a proper person to act as Protector of Emigrants at Calcutta, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

BENGAL.

ACT No. XXII. OF 1843.

Reg. III. 1793, *Sec.* 17, *partially repealed.*

An Act for amending the Law relating to the jurisdiction of the Dewanny Adawlut of the Zillah of the twenty-four Pergunnahs.

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* See Act IV. 1852, S. 4, which re-authorises emigration to Mauritius from Bombay and Madras. See also Act XLIX. S. 2, which connects this Act with Act XXXI. 1855.

Whereas by Section 17, of Regulation III. of 1793, of the Bengal Code, it was amongst other things provided, that the Dewanny Adawlut of the Zillah of the twenty-four Pergunnahs should not receive or entertain any suit whatever against a person who might be an inhabitant of Calcutta at the time the suit might be instituted, or might become a resident within the limits of the Town after the suit might be commenced.

And whereas inconvenience has arisen in consequence of persons escaping from the jurisdiction of the Dewanny Adawlut of the said Zillah of the twenty-four Pergunnahs after suits have been commenced therein, and it is expedient to prevent such inconvenience :

It is therefore hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed.

ACT No. XXIII. OF 1843.

BENGAL.

Reg. II. 1803, Sec. 12, and Regulations extending the same, partially repealed.

An Act for amending the law relating to the jurisdiction of the Zillah Courts in the Provinces ceded by the Nawab Vizier, and in some other places.

Whereas by Section 12, of Regulation II. of 1803, of the Bengal Code, it was amongst other things provided, that the Zillah Courts in the Provinces ceded by the Nawab Vizier to the Honorable the East India Company should not entertain any suit whatever against any individual actually resident or being within the limits of the Town of Calcutta, unless such suit should relate to real property situated without the limits of Calcutta or to the Public Revenue.

And whereas so much of the said Regulation as is hereinbefore recited has been extended by other Regulations to other Provinces, Zillahs and Pergunnahs :

And whereas the provisions of the hereinbefore recited part of the said Regulation are inconvenient :

It is hereby enacted, that so much of the said Regulation as is hereinbefore recited be repealed, as well with regard to the Provinces ceded by the Nawab Vizier to the East India Company, as to the other Provinces, Zillahs and Pergunnahs to which it may have been extended.

ACT No. XXIV. of 1843.

Repealed by Act XVII. 1862.

GENERAL.

ACT No. XXV. OF 1843.

Articles, &c. of Foreign Manufacture imported into British India bearing names, brands, or marks purporting to be of manufacturers resident in the United Kingdom, shall be forfeited.

An Act for making the provisions of 5 and 6, Vic. C. 47, Sec. 11, applicable to India.

Whereas doubts have arisen as to whether so much of an Act passed in the 5th and 6th years of the reign of Her Majesty Queen Victoria, entitled "An Act to amend the laws relating to the Customs," as provides "that from and after the 5th day of January, 1843, any articles of Foreign Manufacture, and any packages of such articles imported into the United Kingdom or into the British possessions abroad bearing any names, brands or marks purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited," is applicable to the territories subject to the government of the East India Company:

It is hereby enacted, that from and after the First day of May, 1844, any articles of Foreign Manufacture, and any packages of such articles imported into the territories subject to the government of the said Company, bearing any names, brands or marks, purporting to be the names, brands or marks of manufacturers resident in the United Kingdom, shall be forfeited.

ACT No. I. OF 1844.

MADRAS.

1. *Government may publish lists of persons belonging to the family, &c., of the Nabob of the Carnatic or of the Nabob Regent who are to be exempted from Civil and Criminal process.*

2. *No process, or writ to be sued out or executed against the person or property of the Nabob, the Nabob Regent, or any person named in such list, without consent of Government.*

3. *Madras Government to furnish copies of such list to the Supreme Government.*

4. *All privileges belonging to the Nabob and the Nabob Regent and their families, &c., under any treaty, to be enjoyed independently of this Act.*

An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, His Family and Retinue.

Whereas questions have lately been raised as to the liability of persons of the Family, Household and Retinue of His Highness the Nabob of the Carnatic to the process and jurisdiction of Courts of Justice, and it is deemed expedient that provision should be made for protecting by legislative enactment, under the qualifications hereinafter mentioned, certain individuals of the Family, Household and Retinue of His said Highness from any such liability, and from claims and litigation to establish any such liability :

Government may publish lists of persons belonging to the family, &c., of the Nabob of the Carnatic, or of the Nabob Regent, who are to be exempted from Civil and Criminal process.

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George to publish, from time to time, in the Gazette at Madras, lists containing the names of persons belonging to the Family, Household or Retinue of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, who are to be entitled under this Act to privilege from Civil and Criminal process, and also from time to time to revise and alter such lists and publish in the Gazette as aforesaid new lists of the persons entitled for the time being to such privilege, and the list which shall have been last so published shall be the list which for the time being shall be in force and effect for the purpose of this Act.

No process, or writ to be sued out or executed against the person or property of the Nabob, the Nabob Regent, or any person named in such list without consent of Government.

II. And it is hereby enacted, that no Writ or Process shall at any time be sued forth or prosecuted against the person, goods or property of His Highness the Nabob of the Carnatic, or of the Nabob Regent for the time being, or of any person whose name shall be included in any list so published in the Gazette as aforesaid, and which for the time being shall be in force and effect for the purpose of this Act, unless such Writ or Process shall be so sued forth or prosecuted with the consent of the Governor in Council of Fort St. George first had and obtained, such consent to be testified by the signature of the Secretary, or one of the Secretaries of Government, and that any Writ or Process which shall at any time be sued forth or prosecuted against the person or goods or property of His said Highness, or of the Nabob Regent, or of any such person as aforesaid, without such consent as aforesaid, so testified as aforesaid, shall be utterly null and void.

Madras Government to furnish copies of such list to the Supreme Government.

III. And it is hereby enacted and directed, that the said Governor in Council of Fort St. George shall from time to time cause to be furnished to the Governor-General of India in Council copies of any and every list which shall be so published as aforesaid, and shall conform to and follow any directions which he may from time to time receive from the Governor-General of India in Council respecting the persons to be included in any such list from time to time, and otherwise with respect to the matters which are the subject of this Act. And also, that the said Governor in Council of Fort St. George shall from time to time cause every list, which shall be published in the Gazette as aforesaid, to be also otherwise published in such manner as shall be deemed proper and sufficient for the purpose of making the same generally known.

All privileges belonging to the Nabob and the Nabob Regent and their families, &c., under any Treaty to be enjoyed independently of this Act.

IV. And it is hereby enacted and provided, that this Act shall not be construed or be held to be in any way declaratory or explanatory of the meaning or effect of any Treaty made or entered into with His Highness the Nabob of the Carnatic, and shall not be construed either to enlarge or restrict the operation of any such Treaty, and that independently

of this Act His Highness the Nabob of the Carnatic and the Nabob Regent for the time being, and their respective families, dependants, and retinue, shall be entitled to claim, maintain and enjoy any privilege which by virtue of any such Treaty or otherwise th... may be rightfully entitled to.

ACT No. II. OF 1844.

GENERAL.

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1. *In Appeals to the Privy Council from the Sudder Courts, the expense of preparing two Copies of all the Proceedings, and of translating the same, shall be defrayed by the Appellants.*
2. *The said Courts to require a deposit by the Appellant for such expenses before admitting the Appeal.*

An Act respecting the Expenses of preparing Copies of Proceedings in Appeals.

Whereas it is just and necessary that the expenses of preparing copies in the English Language of the proceedings in cases appealed to the Queen in Council, as now required by Section 5, Regulation XVI. 1797, and Section 34, Regulation V. 1803, of the Bengal Code, Section 5, Regulation VIII. of 1818, of the Madras Code, and Clause 6, Section 100, of Regulation IV. of 1827, of the Bombay Code, should be borne by the parties prosecuting those Appeals.

I. It is hereby enacted, that in all cases of Appeals to the Queen in Council from judgments delivered by the Courts of Sudder Dewanny Adawlut at Fort William, Fort St. George, Bombay, and at Allahabad, the expense of preparing two copies of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents, and of translating into the English Language such of the aforesaid proceedings, as may have been originally drawn out in the country languages, shall be defrayed by the parties prosecuting the Appeal.

II. And it is hereby further enacted, that the Courts of Sudder Dewanny Adawlut are empowered and required to

cause the deposit by the Appellant within the time allowed for furnishing security for Costs of Appeal of such a sum as shall be sufficient to cover the expense of making the two aforesaid copies, and when such deposit shall have been made, and not till then, to declare the Appeal admitted, and to give notice thereof to the Appellant and Respondent respectively.

ACT No. III. OF 1844.

Repealed by Act. XVII. 1862.

ACT No. IV. OF 1844.

Reg. IX. 1808, *repealed.*

An Act for repealing Regulation IX. of 1808, of the Bengal Code.

Whereas the provisions of Regulation IX. of 1808, of the Bengal Code "for the apprehension of persons concerned in the offence of Gang Robbery, and specially the Sirdars or Leaders of Gangs of Dacoits," have, by reason of their extreme severity, become nearly obsolete.

It is hereby enacted, that the said Regulation be repealed.

GENERAL.

ACT No. V. OF 1844.

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1. *Unauthorized Lotteries declared common nuisances.*
2. *Penalty for keeping any place for the drawing of such lottery Rs.* 5,000.
3. *Penalty of Rs.* 1,000 *for agreeing to pay any sum, &c., under any pretence on a contingency relative to the drawing of any ticket, &c., in such Lottery.*
4. *One half of such fine to be applied to the use of the Informer.*

An Act for the suppression of all Lotteries not authorized by Government :

Whereas great mischief has been found to result from the existence of Lotteries.

I. It is hereby enacted, that in the Territories subject to the Government of the East India Company, all Lotteries, not authorized by Government, shall, from and after the 31st day of March, 1844, be deemed, and are hereby declared, common and public nuisances and against Law.

II. And it is hereby enacted, that from and after the day aforesaid, no person shall, in the said territories, publicly or privately, keep any office or place for the purpose of drawing any Lottery not authorized by Government, or shall have any such Lottery drawn, or shall knowingly suffer any such Lottery to be drawn in his or her house; and any person so offending shall for every such offence, upon conviction before a Justice of the Peace or Magistrate, be punished by fine not exceeding 5,000 Rupees.

III. And it is hereby enacted, that, from and after the day aforesaid no person shall under any pretence, device or description whatsoever agree to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing of any ticket, lot, number, or figure in any such Lottery, or shall publish any proposal for any of the purposes aforesaid, and any person offending in any of the matters mentioned in this Section shall for every such offence, upon conviction before a Justice of the Peace or Magistrate, be punished by fine not exceeding 1,000 Rupees.

IV. And it is hereby enacted, that every fine which shall be incurred under the provisions of this Act shall be applied, one half to the use of Government, and the other half to the use of the Informer or Informers.

BENGAL.

ACT No. VI. OF 1844.*

1, 2 *Repeal certain Regulations and parts of Regulations relating to Transit or Inland Customs Duties, and Duties on Import and Exports by Sea.*

3. *Act not to prevent the levy of Municipal Taxes, Tolls on Bridges, or Light House Fees.*

4. *Duties on Imports by Sea to be regulated by rates mentioned in Schedule A.*

5. *Duties on Exports by Sea to be regulated by Schedule B.*

6. *Duties on Exports or Imports from or into Foreign Settlements on the Coast to be the same as on Imports or Exports in foreign bottoms.*

7. *Governor in Council may declare the territory of any Native Chief to be foreign territory for the purposes of this Act.*

8. *Customs Chowkeys may be established on foreign frontiers. Chowkey Officers may examine, and detain goods until certificate of duty paid be produced.*

9. *Government may appoint Officers to collect duties and grant certificates, but goods not to be passed if they do not correspond with the certificate.*

10. *Government to notify in the Gazette the appointment of Officers to collect duties, and such Officers to be bound to give certificate on receipt of money.*

11. *Certificate not to be valid more than thirty days after date, but may be renewed free of payment, if unused and surrendered.*

12. *Government may notify in the Gazette the routes by which goods shall cross the foreign frontier, and goods brought by other routes, except through ignorance or accident, to be liable to detention or confiscation.*

13. *Goods crossing the frontier between sun-set and sun-rise, or clandestinely, to be seized and confiscated.*

14 *Penalty on Chowkey Officer allowing goods to pass without sufficient certificate, or by prohibited routes; imprisonment for six months and fine of Rs. 500.*

15. *Penalty on Chowkey Officer vexatiously injuring or wrongfully detaining certified goods, imprisonment for six months and fine of Rs. 500.*

16. *Goods Imported by Sea from any Foreign European Settlement, or any Native State declared foreign to be liable to Duties imposed in Schedule A.*

* See Act XXIX. 1855, Sec. 1, by which the Board of Revenue is empowered to revise the proceedings of all Customs Officers employed under this Act, and to annul or modify their orders.

See also Act VII. 1859, Sec. 2, by which all the provisions of this Act then in force are extended to the duties of Customs prescribed in the Schedules annexed to that Act.

17. *No goods whatever, except baggage in actual use, to be exempted from duty specified, except under special order of Government.*

18. *Imports from any other Port in the Madras Presidency under certificate of Export Duty paid there, to be admitted duty free.*

19. *Credit shall be given for duties paid at any Indian Port not subject to the Madras Presidency.*

20. *Government may fix a value on articles liable to ad valorem duty.*

21. *Where no such value is fixed, the market value at the time and place shall be understood.*

22. *The market value shall be declared in writing by the applicant.*

23. *Goods deemed under value may be taken for Government by the Collector at the declared value, and shall be paid for in fifteen days.*

24. *Government may notify in Gazette what places shall be Ports for landing and shipment.*

25. *Master of Vessel on arrival to deliver a true Manifest of Cargo according to Form C. Government may in certain cases fix a place beyond which none but country craft shall proceed without delivering Manifest.*

26. *Penalty on Master for untrue or incomplete Manifest; Rs.* 1,000 *and confiscation of goods in excess of Manifest.*

27. *Penalty on Master for remaining below the place fixed, and refusing to deliver Manifest to the first authorized person that may come on board, Rs.* 1,000. *Entry or Port Clearance not to be given to such Vessel, till the fine be paid.*

28. *Vessel not to break bulk, till Collector shall give order for the discharge of Cargo.*

29. *Customs Officer to seize as contraband any goods removed or put on board of any Vessel before entry in the Custom House, or order for discharge of Cargo. After entry, Cargo to be landed and taken on board according to prescribed Form and Rules.*

30. *Master may be fined Rs.* 500 *for missing packages of unknown value, and double duty on goods of ascertainable value.*

31. *Goods landed or shipped elsewhere than at appointed places, to be seized and confiscated.*

32. *If Government license boats, &c., for landing and shipping Cargo, goods otherwise landed without special permit may be confiscated.*

33. *At any Port where there is a Custom House establishment, Collector may send a Customs Officer on board who shall remain night and day.*

34. *Penalty of Rs.* 100 *per diem on Master refusing to receive Custom House Officer.*

35. *Collector may issue warrant for arrest of Vessel, and goods found concealed may be confiscated. Penalty of Rs.* 1,000 *on Master resisting search.*

36. *Penalty of Rs.* 500 *on Master removing from Vessel or taking on board goods after sun-set and sun-rise.*

37. *Boat laden with export Cargo unprotected by a permit shall not lie alongside a Vessel on which a Customs Officer is stationed.*

38. *A Boat Note to be sent with each separate despatch of goods. Goods without Note or out of track to be confiscated.*

39. *Goods, not corresponding with description in the application for a pass, may be confiscated.*

40. *Goods knowingly and fraudulently removed, &c., after having landed, may be confiscated.*

41. *Collector may have goods weighed and measured before being landed, and may levy duty accordingly.*

42. *Reg. I. 1805, Sec. 11, Cl. 2 repealed.*

43. *Price of Salt manufactured and sold for consumption in the Madras Presidency to be Re. 1, 8 annas per maund of 3,200 Tolas.*

44. *Supreme Government may grant a remission of the price.*

45. *Purchaser at full price may obtain a certificate, under which he may pass Salt free of duty into the interior.*

46. *For the discharge of Import Cargo from a Vessel of 600 Tons burthen, 20 days to be allowed, and for Vessels of greater burthen 30 days; after such periods, the Master shall pay the charges of the Customs Officer.*

47. *When no Customs Officer shall be on board, the Collector shall fix a period for discharge of Cargo; and may order goods remaining on board thereafter to be landed at the Custom House, and may sell such goods if not cleared within three months.*

48. *For shipping Export Cargo, 15 or 20 extra days shall be allowed according as the Vessel's burthen is under or above 600 Tons. If Vessel be laid up without goods on board, 20 and 30 extra days respectively shall be allowed.*

49. *Penalty of Rs. 1,000 on Master putting goods on board between removal and return of Customs Officer.*

50. *Port Clearance to be granted to Master on production of certificate of all Port charges and public demands having been paid.*

51. *Goods passed through Custom House after Port Clearance to pay double duty; or if duty free, 5 per cent on value.*

52. *If Vessel shall put back and Cargo be relanded, the goods shall not be transhipped or re-exported free of duty, unless they shall be lodged in some place allowed by the Collector, and under special charge of Customs Officer. But Master may enter Vessel and land the Cargo under the ordinary rules, and may then reclaim the export duty, and the drawback.*

53. *Duty on goods relanded before completion of loading to be refunded but not after grant of Port Clearance.*

54. *Government may establish rules with regard to the coasting and country craft. Penalty of Rs. 100 for each breach of such rules.*

55. *Vessels from the Maldives, Laccadives, Kattywar, and Cutch to be treated as country craft.*

56. *No drawback to be allowed on goods shipped on last mentioned craft.*

57. *Goods, manifested for re-export and re-exported in the same Vessel, shall not be liable to any duty, and goods transhipped shall be liable to full*

58. *Goods, transhipped without special order from Collector to be liable to confiscation.*

59. *Transhipment to be superintended by an Officer of Customs.*

60. *Collector to adjudge confiscation in all cases under this Act.*

61. *In case of fine being unpaid, Collector may refuse Port Clearance.*

62. *Collector may order release of goods vexatiously seized and adjudge damages. If such damages be accepted no action shall thereafter lie against the Customs Officer. Collector may mitigate the penalty of confiscation to the extent of levying double duty · and if he confiscate, may order one half to be distributed amongst seizing Officers.*

63. *All Officers of Customs to be amenable to the Civil Courts for damages on account of executive acts.*

64. *Penalty for obstructing Customs Officer in his duty, imprisonment for six months, or fine of Rs.* 1,000 *or both*

65. *Penalty on Officers for accepting any consideration for doing, or forbearing to do any official Act, imprisonment for two years, or fine or both.*

66. *Similar penalty on Customs Officer practising, or attempting or conniving at, any fraud or attempt at fraud.*

67. *Similar penalty for exaction of Customs or Duties by unauthorized person.*

68. *Government may transfer to any other functionary the powers given to the Collector, and may make rules for carrying out this Act.*

An Act for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George.

Certain Regulations and parts of Regulations relating to Transit or Inland Customs Duties and Duties on Imports and Exports by Sea, repealed.

I. It is hereby enacted, that from the first day of April, 1844, such parts of Regulation X. of 1803, Regulation I. of 1812, Regulation III. of 1812, Regulation VI. of 1812, and Regulation III. of 1821, of the Madras Code, and all such parts of any Regulations of the said Code as prescribe the levy of Transit or Inland Customs Duties at any Town or Place within the limits of the Presidency of Fort St. George, shall be repealed.

II. And it is hereby enacted, that Regulation IX. of 1803, with exception of Sections 55 to 70, both inclusive; Regulation XI. 1803, Regulation XIV. of 1808, Regulation XV. of 1808, with exception of Section 5; Regulation II. of 1812, with exception of Sections 15 and 17; Regulation IV. of 1812, and such parts of Regulation I. of 1813, of the same Code, as relate to the rates of Duty and Drawback on Spirituous Liquors imported or exported by Sea; also Regulation II. of 1816, Regulation II. of 1818, Regulation III. of 1818, Regulation IV. of 1819, and Regulation VII. of 1819, together with the Schedules appended thereunto, excepting in so far as any of these Regulations rescind any former Regulations either in part or in whole, of the Madras Code, and likewise the Provisions of any kind contained in the foregoing or any other Regulations of the Madras Code, for fixing the amount of Duty to be levied on Goods Imported or Exported by Sea, at any place within the limits of the Presidency of Fort St. George, or the Drawback payable on the same, shall be repealed.

Act not to prevent the levy of Municipal Taxes, Tolls on Bridges, or Light House Fees.

III. Provided always, that nothing contained in the two preceding Sections of this Act shall be construed to prevent the levy of any Municipal Tax, or of any Toll on any Bridge, Road, Canal, Pier or Causeway, for repair and maintenance of the same, or of any fee for the erection and maintenance of Light Houses.

Duties on Imports by Sea to be regulated by rates mentioned in Schedule A.

IV. And it is hereby enacted, that Duties of Customs shall be levied on Goods Imported by Sea into any place within the territories subordinate to the Government of the Presidency of Fort St. George, after the said first day of April, 1844, according to the rates specified in Schedule A. annexed to this Act, with the exceptions specified therein, and the Schedule, with the Notes attached thereto, shall be taken to be a part of this Act.

Duties on Exports by Sea to be regulated by Schedule B.

V. And it is hereby further enacted, that Duties of Customs shall be levied upon country Goods Exported by Sea from any Ports of the Presidency of Fort St. George, after the said

first day of April, 1844, according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified, and the said Schedule with the Notes attached thereto, shall also be taken to be a part of this Act.

Duties on Exports or Imports from or into Foreign Settlements on t Coast to be same as on Imports or Exports in foreign bottoms.

*VI. And it is hereby enacted, that Duties of Customs shall be levied on Goods passing by Land into or out of Foreign European Settlements, situated on the line of Coast within the limits of the Presidency of Fort St. George, *at the rates prescribed in the Schedules of this Act* for Goods imported or exported on Foreign bottoms at any British Port in that Presidency.

Governor in Council may declare the territory of any Native Chief to be Foreign Territory.

VII. And it is hereby enacted, that it shall bo lawful for the Governor in Council of the Presidency of Fort St. George to declare by notice to be published in the Gazette of that Presidency, that the territory of any Native Chief, not subject to the jurisdiction of the Courts and Civil authorities of that Presidency, shall be deemed to be Foreign Territory, and to declare goods passing into or out of such territory liable either to the duty fixed for British or for Foreign Bottoms, as the said Governor in Council may think fit.

Customs Chowkeys may be established on foreign frontiers, Chowkey Officers may examine and detain goods, until certificate be produced.

VIII. And it is hereby enacted, that for the levy of Duties of Customs as above provided on goods exported by land to, or imported by land from, such Foreign Territories, Customs Chokees may be established at such places as may be determined by the said Governor in Council, and every Officer at every such Chokee shall have power to detain goods passing into or out of any such Foreign Territory, and to examine and ascertain the quantities and kinds thereof; and such Goods shall not be allowed to pass across the Frontier line out of or into the territory of the East India Company, until the owner or person in charge thereof shall produce and deliver a certifi-

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* Repealed by Act XXIII. 1859, Sec. 1, except as to Salt and Opium. By Sec. 2, the rates leviable on other goods under this Section are the rates prescribed in Schedules A. and B. of Act VII. 1859, to which all the provisions of this Act relating to such goods are extended.

cate showing that the Customs Duty leviable thereupon has been paid in full.

Government may appoint Officers to collect duties and grant certificates.

IX. And it is hereby enacted, that it shall be lawful for the said Governor in Council to appoint such officers as he may think fit to receive money on account of Customs Duties and grant Certificates of the payment thereof, and that such a certificate being delivered to any Chokee Officer shall entitle goods to cross the frontier into or out of the East India Company's territories, provided that the goods correspond in description with the specification thereof contained in such certificate, and that the certificate show the entire amount of Duty leviable on those goods to have been duly paid; and if upon examination the goods brought to any Chokee be found not to correspond with the specification entered in the certificate presented with the same, the difference shall be noted on the face of the certificate, and if the payment of Duty certified therein shall not cover the entire amount of Duty leviable on the goods as ascertained at such examination, the Goods shall be detained until a further certificate for the difference shall be produced.

The appointment of collecting Officers to be notified in the Gazette, and such Officers to be bound to give certificate on receipt of money.

X. And it is hereby enacted, that the said Governor in Council shall give public notice in the Official Gazette of the Presidency of Fort St. George of the appointment of every officer appointed to receive Customs Duties on goods crossing the land frontier of the said Foreign Territories, and the Officers so appointed shall, on receipt of money tendered as Customs Duty, be bound to give to any Merchant or other person applying for the same a certificate of payment, and to enter therein the specification of goods, with the values and description thereof, according to the statement furnished by the person so applying; provided only, that the proper Duty leviable thereupon, according to the descriptions and values stated, be covered by the payment made.

Certificate not to be valid more than thirty days after date, but may be renewed.

XI. And it is hereby enacted, that no certificate shall be received at any Chokee that shall bear date more than thirty days before the date when the Goods arrive at the Chokee.

Provided, however, that any person who has taken out a certificate from any authorized receiver of Customs Duties, shall at any time within the said period of thirty days, on satisfying such receiver that such certificate has not been used, and on delivering up the original, be entitled to receive a renewed certificate, with a fresh date, without further payment of Duty.

XII. And it is hereby enacted, that it shall be lawful for the said Governor in Council to prescribe, by public notice in the Official Gazette of the Presidency of Fort St George, by what routes goods shall be allowed to pass into or out of any such Foreign Territory as is described in Sections 6 and 7, of this Act, and after such notice shall be given, Goods which may be brought to any Chokee established on other routes or pass than those so prescribed, shall, if provided with a certificate, be sent back; and if not provided with a certificate shall be detained, and shall be liable to confiscation by the Collector of Customs, unless the person in charge thereof shall be able to satisfy the said Collector that his carrying them by that route was from ignorance or accident.

Government may notify in the Gazette the routes by which goods shall cross the foreign frontier, and goods brought by other routes, except through [illegible]rance or acc[illegible] to be liable to [illegible]tention or [illegible]cation.

XIII. And it is hereby enacted, that goods which may be passed, or which an attempt may be made to pass, across any frontier guarded by Chokees between sun-set and sun-rise, or in a clandestine manner, shall be seized and confiscated.

Goods crossing the frontier between sun-set and sun-rise, or clandestinely, to be seized and confiscated.

XIV. And it is hereby enacted, that any Chokee Officer who shall permit goods to pass across the frontier when not covered by a sufficient certificate, or who shall permit goods to pass by any prohibited route, shall be liable, on conviction before the Collector of Customs, to imprisonment for a term not exceeding six months, and to a fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

Penalty on Chowkey Officer allowing goods to pass without sufficient certificate, or by prohibited routes, imprisonment for six months and fine of Rs. 500.

XV. And it is hereby enacted, that, if any Chokee Officer shall needlessly and vexatiously injure Goods under the pretence of examination, or in the course of his examination, or

Penalty of Chowkey Officer vexatiously injuring or wrongfully detaining

certified goods; imprisonments for six months and fine Rs. 500.

shall wrongfully detain goods for which there shall be produced a sufficient certificate, such Officer shall, on conviction before the Collector of Customs, or before any Magistrate or Joint-Magistrate, be liable to imprisonment for a term not exceeding six months, and to fine not exceeding Five Hundred Rupees, commutable, if not paid, to imprisonment for a further period of six months.

Goods Imported by Sea from any Foreign European Settlement, or any Native State declared foreign to be liable to Duties imposed in Schedule A.

XVI. And it is hereby enacted, that all goods imported by Sea into any port of the Presidency of Fort St. George from any Foreign European Settlement in India, or from any Native State, the inland trade of which has been declared by the Governor in Council of the Presidency of Fort St. George under Section 7 of this Act to be subject to the Duties levied on Foreign Bottoms, shall be liable to the same Duties as are imposed by Schedule A. on imports on Foreign Bottoms.

No goods whatever except baggage in actual use to be exempted from duty specified except under special order of Government.

XVII. And it is hereby enacted, that, no goods whatsoever, entered in either of the Schedules of this Act as liable to Duty, shall be exempted from the payment of such Duty or of any part thereof, except under special order from the Governor in Council of the Presidency of Fort St. George. Provided always, that it shall and may be lawful for the Collector of Customs, or other officer in charge of a Custom House to pass free of Duty any baggage in actual use, at his discretion; and if any person shall apply to have goods passed as such baggage, the Collector, *acting under the orders of the Government,** shall determine whether they be baggage in actual use, or goods subject to Duty under the provisions of this Act.

Imports from any other Port in the Madras Presidency under certificate of Export duty paid, there to be admitted duty free.

XVIII. Provided always, that when Goods are imported at any port of the Presidency of Fort St. George from any other port in that Presidency under certificate that the Export Duty specified in Schedule B. has been duly paid thereon, or that there has been a re-export, and that the Import Duty

* See Act XXIX. 1855, Section 2, by which the Board of Revenue is empowered to pass orders, in such cases instead of the Governor in Council.

specified in Schedule A. has been duly paid, the said goods shall be admitted to free entry.

XIX. Provided also, that, when Duties of Customs shall have been paid on any goods at any port in any part of the territories of the East India Company not subject to the Presidency of Fort St. George, and such Goods shall subsequently be imported at any port of the Presidency of Fort St. George, credit shall be given at such last mentioned port for the sum that may be proved by the production of due certificates to have been so paid.

Credit shall be given for duties paid at any Indian Port not subject to the Madras Presidency.

XX. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George from time to time, by notice in the Official Gazette of the Presidency, to fix a value on any Article or number of Articles liable to ad valorem Duty, and the value so fixed for such Articles shall, till altered by a similar notice, be taken to be the value of such Articles for the purpose of levying Duty on the same.

Government may fix a value on articles liable to ad valorem duty.

XXI. And it is hereby enacted, that, when goods liable to Duty, for which a value has not been fixed by such a notice as is above directed, or for which a fixed Duty has not been declared by the Schedules annexed to this Act, are brought to any Custom House in the Presidency of Fort St. George, for the purpose of being passed for importation or exportation, the Duty leviable on such Goods shall be levied ad valorem, that is to say, according to the market value of such goods at the place and time of importation or exportation as the case may be.

Where no such value is fixed, the market value at the time and place, shall be understood.

XXII. And it is hereby enacted, that the Market value for assessment of Duties on ad valorem goods shall be declared by the Owner, Consignee, or Exporter, or by the Agent or Factor for any of these respectively, upon the face of the application to be given in by him in writing for the passing of the goods through the Custom House, and the value so declared shall include the packages or materials in which the goods are

The market value shall be declared in writing by the applicant.

contained, and the application shall truly set forth the name of the ship in which the Goods have been imported or are to be exported, the name of the Master of the said ship, the Colors under which the said ship sails, the number, description, marks, and contents of the packages, and the country in which the goods were produced.

Goods deemed under value may be taken for Government by the Collector at the declared value, and shall be paid for in fifteen days.

XXIII. And it is hereby enacted, that every such declaration, when duly signed, shall be submitted to the Officer of Customs appointed to appraise goods at the Custom House, and if it shall appear to him that the same is correct, he shall countersign it as admitted; but if any part or the whole of the goods shall seem to him to be undervalued in such declaration, he shall report the same to the Collector of Customs, who shall have power to take the goods or any part thereof as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take goods for the Government, payment thereof shall be made to the Consignee or Importer, if the goods be imported goods, within fifteen days from the date of the declaration, the amount of Import Duty leviable thereon being first deducted, and if the Goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs Duty.

Government may notify in Gazette what places shall be Ports for landing and shipment.

XXIV. And it is hereby enacted, that it shall be lawful for the Governor in Council of the Presidency of Fort St. George to declare, by public notice in the Official Gazette of that Presidency, what places within the same shall be ports for the landing and shipment of Merchandise, and any goods that may be landed, or which an attempt may be made to land, at any other port than such as shall be so declared, shall be seized and confiscated.

Master of Vessel on arrival to deliver a true Manifest of Cargo according to Form C Government may in certain cases fix a place beyond which none but

XXV. And it is hereby enacted, that, when any Vessel shall arive in any port of the Presidency of Fort St. George, the Master shall deliver a true Manifest of the cargo on board, made out according to the Form annexed to this Act and marked C., to the first person duly empowered to receive such Mani-

fest that may come on board, and if no such person shall have come on board before the anchor of the said Vessel is dropped, then the Manifest shall be forwarded to land on board of the first boat that leaves the Vessel after dropping anchor, and if the port be up a River or at a distance from the land first made, then it shall be lawful for the said Governor in Council, by an Order published in the Official Gazette of the Presidency, to fix a place in any such river or port beyond which place it shall not be lawful for any inward bound Vessel, except such Country Craft as are described in Sections 54 and 55 of this Act, to pass until the Master shall have forwarded, in such manner as may be ordered by the said Governor in Council, such a Manifest as is required by this Act.

country crafts shall proceed without delivering Manifest.

XXVI. And it is hereby enacted, that, if the Manifest so delivered by the Master shall not contain a full and true specification of all the goods imported in the Vessel, the said Master shall be liable to a fine of One Thousand Rupees, and any Goods or Packages that may be found on board in excess of the Manifest so delivered, or differing in quality or kind, or in marks and numbers from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or to be charged with double or such increased Duties as may be determined by the Collector of Customs *under the orders of Government.**

Penalty on Master for untrue or incomplete Manifest Rs 1,000 and confiscation of goods in excess of Manifest.

XXVII. And it is hereby enacted, that, if any inward bound Vessel shall remain outside or below the place that may be fixed by the said Governor in Council for the first delivery of Manifests, the Master shall deliver a Manifest as hereinbefore prescribed, to the first person duly empowered to receive such Manifest that may come on board, and if any Vessel entering a port for which there is a Custom House established shall lie at anchor therein for the space of twenty-four hours, the Master whereof shall refuse to deliver the said Manifest in

Penalty on Master for remaining below the place fixed, and refusing to deliver Manifest to the first authorized person that may come on board, Rs. 1,000. Entry or Port Clearance not to be given to such Vessel till the fine be paid.

* See Act XXIX. 1855, S. 2, by which the Board of Revenue is empowered to pass such orders instead of the Governor in Council.

the manner above prescribed, he shall for such refusal be liable to fine not exceeding One Thousand Rupees, and no Entry or Port Clearance shall be given for such Vessel until the fine is paid.

Vessel not to break bulk till Collector shall give order for the discharge of Cargo.

XXVIII. And it is hereby enacted, that no Vessel shall be allowed to break bulk until a Manifest as required by this Act, and another copy thereof to be presented at the time of applying for entry inwards, if so required by the Collector of Customs, shall have been received by the said Collector, or until order shall have been given by the said Collector for the discharge of the cargo; and that the said Collector may further refuse to give such order, if he shall see fit, until any Port Clearances, Cocketts or other Papers, known to be granted at the places from which the Vessel is stated to have come, shall likewise be delivered to him.

Customs Officer to seize as contraband any goods removed or put on board of any Vessel before entry in the Custom House, or order for discharge of Cargo after entry. Cargo to be loaded and taken on board according to prescribed Form and Rules.

XXIX. And it is hereby enacted, that no goods shall be allowed to leave any Vessel or to be put on board thereof until entry of the Vessel shall have been duly made in the Custom House of the Port, nor until order shall have been given for discharge of the Cargo thereof, as above provided, and it shall be the duty of every Customs Officer to seize as contraband any goods which have been removed or put on board of any vessel in contravention of the above provision, or which any attempt shall have been made to remove from, or to put on board of any vessel in contravention of the above Provision. And after entry of the vessel at the Custom House in due form, such part of the cargo as may not be declared for re-exportation in the same vessel shall be sent to land, and Export Cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor in Council of the Presidency of Fort St. George, and if an attempt be made to land or put on board Goods or Merchandize in contravention of the forms and rules so prescribed, the goods thall be liable to seizure and confiscation.

Master may be fined Rs. 500 for missing pack-

XXX. And it is hereby enacted, that, if goods entered in the Manifest of a Vessel shall not be found on board that

Vessel, or if the quantity found be short and the deficiency be not duly accounted for, or if goods sent out of the Vessel be not landed at the Custom House, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding Five Hundred Rupees, for every missing or deficient package of unknown value, and for twice the amount of Duty chargeable on the Goods deficient and unaccounted for, if the Duty can be ascertained. Provided however, that nothing herein contained shall be construed to prevent the Collector of Customs from permitting at his discretion the Master of any Vessel to amend obvious errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental Manifest.

ages of unknown value and double duty on goods of ascertainable value.

XXXI. And it is hereby enacted, that there shall in every port of the Presidency of Fort St. George be one or more places appointed for the landing and shipment of goods, and goods shall not be landed at or shipped from any other place without the special order in writing of the Collector of Customs for the port, and if any goods be landed, or an attempt be made to land any goods at any other than the said authorized places, or if any goods be shipped or an attempt be made to ship any goods from any others than the said authorized places without such order, they shall be seized and confiscated.

Goods landed or shipped elsewhere than at appointed places to be seized and confiscated.

XXXII. And it is hereby enacted, that, if the Governor in Council shall see fit, for the security of Customs at any port, to maintain special establishments of Boats for the landing and shipping of Merchandize, or to license and register the Cargo Boats plying in any ports, then after due notification thereof, it shall not be lawful for any person to convey goods to or from any Vessel in such port, otherwise than in the Boats so authorized and prescribed, except under special Permit from the Collector of Customs at the port, and any goods that may be found on board of other Boats than those so authorized for the port shall be liable to be seized by an Officer of Customs and shall be liable to confiscation.

If Government license boats, &c., for landing and shipping cargo goods otherwise landed without special permit may be confiscated.

At any Port where there is a Custom House establishment who shall remain on board night and day.

XXXIII. And it is hereby enacted, that, when the Governor in Council of the Presidency of Fort St. George shall see fit to maintain at any port an establishment of Officers to be sent on board of Vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any Vessel in such port by night and by day, until the Vessel shall leave the port, or it shall be otherwise ordered by the Collector.

Penalty of Rs. 100 per diem on Master refusing to receive Custom House Officer.

XXXIV. And it is hereby enacted, that any Master of such Vessel at such port who shall refuse to receive such Officer with one servant on board, when such Officer shall be so deputed as above provided, or shall not afford such Officer and such servant suitable shelter and sleeping accommodation while on board, and likewise furnish them with a due allowance of fresh water, if necessary, and with the means of cooking on board, shall be liable to a fine not exceeding the sum of One Hundred Rupees for each day during which such Officer and Servant shall not be received and provided with suitable shelter and accommodation.

Collector may issue warrant for arrest of Vessel and goods found concealed, may be confiscated. Penalty of Rs. 1,000 on Master resisting search.

XXXV. And it is hereby enacted, that, whenever a Collector of Customs shall see cause to direct that any Vessel shall be searched, he shall issue his Warrant or written order for such search addressed to any officer under his authority, and upon production of such order, the officer bearing it shall be competent to require any Cabins, Lockers, or Bulk-heads to be opened in his presence, and if they be not opened upon his requisition to break the same open; and any goods that may be found concealed, and that shall not be duly accounted for to the satisfaction of the Collector of Customs, shall be liable to confiscation, and any Master or person in charge of a Vessel, who shall resist such officer or refuse to allow the Vessel to be searched when so ordered by the Collector of Customs, shall be liable upon conviction for every such offence to a fine of One Thousand Rupees.

XXXVI. And it is hereby enacted, that every Master of a Vessel who shall remove from such Vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be punished with a fine not exceeding Five Hundred Rupees.

Penalty of Rs. 500 on Master landing or shipping goods between sun-set and sun rise.

XXXVII. And it is hereby enacted, that no Cargo Boat laden with goods intended for exportation by Sea shall make fast to, or lie alongside of, any Vessel on board of which there shall be a Customs Officer stationed, unless there shall be on board the Boat, or have been received by the said Customs Officer, a Custom House Permit or order for the shipment of the goods, and the goods on board of any Boat that may so be alongside or be made fast to a Vessel, if such Goods be not covered by a Custom House Pass accompanying them, or previously received by the Customs Officer on board the said Vessel, shall be liable to confiscation.

Boat laden with export cargo unprotected by a permit shall not lie alongside a Vessel on which a Customs Officer is stationed.

XXXVIII. And it is hereby enacted, that when goods shall be sent from on board of any Vessel having a Customs Officer on board for the purpose of being landed and passed for importation, there shall be sent with each Boat-load or other separate despatch a Boat Note, specifying the number of packages, and the marks and numbers or other description thereof, and such Boat Note shall be signed by an Officer of the Vessel, and likewise by the Customs Officer on board, and if any imported goods be found in a Boat proceeding to land from such Vessel without a Boat Note, or if, being accompanied by a Boat Note, they be found out of the proper track between the ship and the proper place of landing, the Boat containing such goods may be detained by any Officer of Customs duly authorized by the Collector, and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the goods shall be leviable to confiscation.

A Boat Note to be sent with each separate despatch of goods.

Goods not corresponding with description in the application for a pass, may be confiscated.

XXXIX. And it is hereby enacted, that when goods shall be brought to be passed through the Custom House either for importation or exportation by Sea, if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them though the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality or quantity, or if any goods not stated in the application be found concealed in or mixed up with the specified articles, all such packages, with the whole of the goods contained therein, shall be liable to confiscation.

Goods knowingly and fraudulently removed, &c, after having been landed, may be confiscated.

XL. And it is hereby enacted, that if any person, after goods have been landed and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation unless it shall be proved, to the satisfaction of the Collector of Customs, that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods.

Collector may have goods weighed and measured before being landed.

XLI. And it is hereby enacted, that it shall be lawful for the Collector of Customs, whenever he shall see fit, to require that goods brought by Sea and stowed in bulk shall be weighed or measured on board ship, before being sent to land, and to levy Duty according to the result of such weighing or measurement.

Reg. I. 1805, Sec. 11, Cl. 2, repealed.

XLII. And it is hereby enacted, that Clause 2, Section 11, of Regulation I. of 1805 of the Madras Code shall be repealed.

Price of Salt manufactured and sold for consumption in the Madras Presidency.

XLIII. And it is hereby enacted, that the price to be paid by the purchasers of Salt to the Government of the Presidency of Fort St. George for Salt that may be manufactured and sold under the orders of the Governor in Council for consumption within the territories subordinate to the Presidency of Fort St. George, shall, subsequent to the date specified in

Section 1 of this Act, be One Company's Rupee and Eight Annas for every maund of 3,200 tolas weight of Salt.

Supreme Government may grant a remission of the price.

XLIV. And it is hereby enacted, that it shall be competent to the Governor-General of India in Council to grant a remission of the price specified in the last preceding Section of this Act, in cases in which it may appear that the grant of such remission is expedient.

Purchaser at full price may obtain a certificate to Salt free of duty into the interior.

XLV. And it is hereby enacted, that, on application by the Exporter of any Salt that has paid the full price fixed to be paid for Salt sold for home consumption under the provisions of Section 43 of this Act, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Fort St. George, and shall be passed from such port under the proper passes applicable to the free passage of Salt into the interior without the levy of any further Duty of Customs.

For the discharge of Import Cargo from a Vessel of 600 Tons burthen, twenty days to be allowed, and for Vessels of greater burthen thirty days.

XLVI. And it is hereby enacted, that when a Customs Officer shall be sent on board of any Vessel to superintend the delivery of Cargo, twenty days, exclusive of Sundays and Holidays, shall be allowed for the discharge of the Import Cargo of Vessels not exceeding six hundred tons burthen; and thirty days, exclusive of Sundays and Holidays, for the discharge of the Import Cargo of Vessels exceeding that burthen · and the said periods shall be calculated from the day when the Customs Officers first went on board. And if the whole Cargo be not discharged by the expiration of the abovementioned periods, the Master shall be charged with the wages of such Officer, and other expenses for any further period that such Officer may be detained on board. And if the Owners, Importers, or Consignees do not bring their goods to land within the periods above fixed, it shall be the duty of the Master so to do.

When no Customs Officer shall be on board, the Collector shall fix a period for discharge of Cargo, and may order goods remaining on board thereafter to be landed at the Custom House, and sold if not cleared within three months.

XLVII. And it is hereby enacted, that when there shall be no Customs Officer sent aboard Vessels discharging Cargo, it shall be lawful for the Collector of Customs to fix a period, not being less than twenty days, for the discharge thereof and clearance of the Vessel inwards; and if any goods remain on board after the time so fixed, or after the time allowed in the last preceding Section of this Act, the Collector may order the same to be landed and warehoused for the security of the Duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master of the same; Provided always, that in all cases it shall be lawful for the Collector or other Officer in charge of the Custom House, with the consent of Master of the Vessel, to cause any packages to be brought on shore and to be deposited in the Government Warehouses for the security of the Duties and charges thereon, although twenty days may not have expired from the entry of such Vessel; and in case any goods brought to land from any Vessel be not claimed and cleared from the Custom House within three months from the date of entry of the ship in which goods were imported, it shall be competent to the Collector to sell the same on account of the Duties and other charges due thereon, and the balance remaining after deducting the said Duties and charges shall be held in deposit and paid to the Owner on application.

For shipping Export Cargo, fifteen or twenty extra days shall be allowed according as the Vessel's burthen is under or above 600 Tons. If Vessel be laid up without goods on board, twenty and thirty days respectively shall be allowed.

XLVIII. And it it is hereby enacted, that, when a Customs Officer shall be sent on board of any Vessel discharging Cargo, a further period of fifteen days, Sundays and Holidays excluded, beyond the twenty days above specified, shall be allowed for putting on board Export Cargo, if the Vessel shall not exceed six hundred tons burthen, and twenty days if it exceed that burthen, when the lading and unlading thereof shall be continuous, and the Master or Commander shall in such case not be charged with wages and expenses of the Customs Officer on board until after. the expiration of such additional period: and if a Vessel having discharged its Import Cargo shall be laid up, the Customs Officer on board shall certify that no goods remain on board except necessary stores and articles for use,

and when a Vessel so laid up shall be entered at the Custom House for receipt of Export Cargo, a Customs Officer shall be sent on board, and if the said last mentioned Officer shall certify that no goods are on board except as above excepted, twenty days, exclusive of Sundays and Holidays, as above, shall be allowed from the date of such certificate for the lading outwards of a Vessel not exceeding six hundred tons, and thirty days for Vessels exceeding that burthen, after which periods respectively the Master shall be charged with the wages and expenses of the Customs Officer on board to the date of the Vessel's sailing from the port.

Penalty of Rs. 1,000 on Master putting goods on board between removal and return of Customs Officer.

XLIX. And it is hereby enacted, that, when upon application from the Master of any Vessel the Customs Officer shall be removed from on board thereof under the provisions to that effect contained in the last preceding Section of this Act, if the Master of such Vessel shall, before a Customs Officer have again been placed in such Vessel, put on board of such Vessel, or cause or suffer to be put on board of such Vessel, any goods whatever, such Master shall be punished with a fine not exceeding One Thousand Rupees, and the Goods shall be liable to be re-landed for examination at the expense of the Shippers, upon requisition to that effect from the Collector of Customs.

Port Clearance to be granted to Master on production of certificate of all Port charges and public demands having been paid.

L. And it is hereby enacted, that a Port Clearance shall be granted by the Collector of Customs or other authorized Officer to the Master or Commander of every Vessel clearing out from the ports of the Presidency of Fort St. George, provided such Master or Commander shall have complied with the terms prescribed by this Act, and with the rules of the port concerned, and shall produce a certificate from the proper Officer or Officers of all port charges and public demands against him of whatever nature having been duly paid and discharged.

Goods passed through Custom House after Port Clearance to pay double duty, or,

LI. And it is hereby enacted, that upon any goods liable to Duty that may be passed through the Custom House for shipment, the application for which shall be presented after

if duty free, - per cent. on value.

Port Clearance shall have been taken out, double of the prescribed Duty shall in all cases be levied, and if the goods be free or have already paid Import Duty, or have been imported free under certificate, Five per Cent. upon the market value shall be levied thereon, or if the same be imported goods entitled to Drawback, the Drawback shall be forfeited, but no separate Duty shall be levied on Drawback Goods.

If Vessel shall put back, and Cargo be relanded, the goods shall not be transhipped, or re-exported free of duty, unless they shall be lodged in same place allowed by the Collector, and under special charge of Customs Officer.

LII. And it is hereby enacted, that, when a Vessel having cleared out from any port shall put back from stress of weather, or it shall for any damage or from other cause be necessary that the Cargo of a Vessel that has cleared out shall be unshipped or relanded, a Customs Officer shall be sent to watch the Vessel and take charge of the Cargo during such relanding or removal from on board, and the goods on board such Vessel shall not be allowed to be transhipped or re-exported free of Duty by reason of the previous settlement of Duty at the time of first export, unless the Goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain while on land, or while on board of any other Vessel, under special charge of the Officers of Customs until the time of re-export, and all charges attending such custody shall be borne by the Exporter; Provided, however, that in

Proviso.

all cases of return to port after Port Clearance on account of damage or for stress of weather, it shall be lawful for the owner or for the Master to enter the Vessel and land the Cargo under the rules for the importation of goods, and the Export Duty shall in that case be refunded, and the amount paid in Drawback be reclaimed, and if goods on account of which Drawback has been paid be not found on board the Vessel, the Master shall be liable to a fine not exceeding the entire value thereof, unless he account for them to the satisfaction of the Collector of Customs.

Duty on goods relanded before completion of loading to be refunded, but not after grant of Port Clearance.

LIII. And it is hereby enacted, that when Goods shall be relanded before the lading of any Vessel is complete, and before Port Clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no

refund shall be made of duty paid on the export of any goods after Port Clearance shall have been granted for the Vessel on which the goods were exported, unless the Vessel shall have put back for stress of weather or for damage, and the goods shall have been relanded under the rule contained in the last preceding Section of this Act.

Government may establish rules with regard to the coasting and country craft.

LIV. And it is hereby enacted, that it shall be lawful for the said Governor in Council to establish rules for the anchoring of the Coasting and Country Craft of the British Territories, for the delivery of Manifests of the Cargo of such Vessels, and for the landing of goods therefrom, and shipping of goods thereon, and that whoever being in charge of any such craft shall knowingly contravene any such rule, shall be liable to a fine not exceeding One Hundred Rupees for each offence.

Vessels from the Maldives, Laccadives, Kattywar, and Cutch to be treated as country craft.

LV. And it is hereby enacted, that Pattamars, Dhonies, and other small Craft from the Maldive or Laccadive Islands, or from the Native Ports of Kattywar and Cutch, and of the Travancore and Cochin States, shall be treated in the ports of the Presidency of Fort St. George like the Coasting Craft of the British Territory, provided that they conform to such special Regulations as to the place of anchoring and mode of landing and shipping goods, as may be made by the Governor in Council for such Vessels in the several ports of the Presidency of Fort St. George.

No drawback to be allowed on goods shipped on last mentioned craft.

LVI. And it is hereby enacted, that no Drawback shall be allowed on goods shipped on such Native Craft as are described in the last preceding Section of this Act.

Goods manifested for re-export and re-exported in the same Vessel, shall not be liable to any duty. Goods transhipped shall be liable to full duty.

LVII. And it is hereby enacted, that goods exported in the same Vessels if manifested for re-export, shall not be subject to import or export Duty, and if any goods brought to any port in any Vessel be transhipped in such port, they shall in all cases be subject to the same Duty as if they had been landed and passed through the Custom House for re-exportation in the Vessel into which they may be transhipped.

Goods transhipped without special order from Collector to be liable to confiscation.

LVIII. And it is hereby enacted, that no transhipment shall be made of any goods except under special order in writing from the Collector of Customs of the port, and that goods transhipped or attempted to be transhipped without such order shall be liable to confiscation.

Transhipment to be superintended by an Officer of Customs.

LIX. And it is hereby enacted, that an Officer of Customs shall in all cases be deputed to superintend the removal of goods from Vessel to Vessel.

Collector to adjudge confiscation in all cases under this Act.

LX. And it is hereby enacted, that in all cases in which under this Act goods are liable to confiscation, the Collector of Customs of the place where those goods may be shall be competent to adjudge such confiscation.

In case of fine being unpaid, Collector may refuse Port Clearance.

LXI. And it is hereby enacted, that, if any person in charge of a Vessel shall have become liable to any fine on account of any act or omission relating to Customs, the Collector of Customs shall be competent, *subject to the orders of the Governor in Council of the Presidency of Fort St. George,** to refuse Port Clearance to such Vessel until the fine shall be discharged.

Collector may order release of goods vexatiously seized and adjudge damages. If such damages be accepted no action shall thereafter lie against the Customs Officer. Collector may mitigate the penalty of confiscation.

LXII. And it is hereby enacted, that it shall be lawful for any Collector of Customs, or other Officer who may be authorized to adjudicate Customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, to adjudge damages to be paid to the proprietor by the Customs Officer who made such vexatious seizure, besides ordering the immediate release of the goods; and if the proprietor accept such damages, no action shall thereafter lie against the Officer of Customs in any Court of Justice on account of such seizure: and if such adjudicating Officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, it shall be lawful for him to mitigate the same to the extent of the levy

* See Act XXIX. 1855, S. 2, by which the Board of Revenue is empowered to pass these orders instead of the Governor in Council.

of double Duty: and if the said Officer shall adjudge confiscation, it shall further be lawful for him to order that from the proceeds of the sale of the goods, a proportion not exceeding one half shall be distributed in rewards amongst such officers as he shall deem entitled thereto, and in such proportion as he may direct to each respectively.

All Officers of Customs to be amenable for damages on account of executive acts.

LXIII. And it is hereby enacted, that all Officers of Customs shall as heretofore be amenable to the Civil Courts of the Presidency of Fort St. George by action for damages, on account of any executive acts done in their official capacity, at the suit of the parties injured by such acts. Provided, however, that no suit shall lie against a Collector of Customs or other officer for any judicial award in a matter of Customs passed under the preceding Section of this Act.

Penalty for obstructing Customs Officer in his duty.

LXIV. And it is hereby enacted, that whoever intentionally obstructs any officer in the exercise of any powers given by this Act to such officer shall be punished with imprisonment for a term not exceeding six months, or fine not exceeding One Thousand Rupees, or both.

Penalty on Officers for accepting any consideration for doing, or forbearing to do any official act.

LXV. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, shall accept or obtain, or attempt to obtain from any person any property as a consideration for doing or forbearing to do any official act, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty on Customs Officer practising or attempting or conniving at any fraud.

LXVI. And it is hereby enacted, that whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs Revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be punished with imprisonment for a term not exceeding two years, or fine, or both.

Penalty for exaction of Customs or Duties

LXVII. And it is hereby enacted, that whoever, not being an officer appointed under this Act, or authorized by any

by unauthorized person.

Regulation to collect Customs or Duties, shall exact Customs or Duties of any denomination on any pretence whatsoever, whether as principal or agent, shall be punished with imprisonment for a term not exceeding two years, or fine, or both, and furthermore shall be liable for such damages as may be obtained against him, on the suit of the party injured, by action in any of the Civil Courts of the Presidency of Fort St. George.

Government may transfer to any other functionary powers given to the Collector, and may make rules.

LXVIII. And it is hereby enacted, that it shall be lawful for the Governor in Council of Fort St. George, by an Order in Council, to transfer any of the powers given to a Collector of Customs by this Act to any other functionary, and to make any rules consistent with law for the carrying of this Act into effect; and to establish such Wharves and appoint such Officers as he shall think fit, and to fix rates of Wharfage and of Rent to be paid for goods deposited or suffered to lie in the godowns of the Custom House.

SCHEDULE A.*

Rates of Duty to be charged on Goods Imported by Sea into any Port of the Presidency of Fort St. George.

No.	*Enumeration of Goods.*	*When Imported on British Bottoms.*	*When Imported on Foreign Bottoms.*
20	Opium, ...	24 Rs. per Seer of 80 Tolas,	24 Rs. per Seer of 80 Tolas.
21	Salt, ...	3 Rs. per Maund of 8 Tolas to the Seer,	3 Rs. per Maund of 80 Tolas to the Seer,

And if the Collector of Customs shall see reason to doubt whether the goods liable to a different rate of Duty according

* By Act XV. 1844, the rates of duty prescribed in Article 19 of this schedule were extended to all foreign manufacture of Silk or Cotton or of Silk and Cotton mixed and to all foreign made-up articles in any part composed of the said manufactures. Act XV. 1844, was repealed by Act IX. 1845, which also repealed the rates of Duty chargeable under articles 10, 13 and 15, 16, 18, 19, 35, 36, and 38, and extended to the Schedule therein given, all the provisions of Act VI. referring to the repealed Articles. By Act VII. 1859, however, the whole of the Schedule annexed to Act IX. 1845, and of Schedules A. and B. of this Act are repealed, except as relates to the articles of Salt and Opium.

to the place of their production come from the country from which they are declared to come by the Importer, it shall be lawful for the Collector of Customs to call on the Importer to furnish evidence as to the place of manufacture or production, and if such evidence shall not satisfy the said Collector of the truth of the declaration, the Goods shall be charged with the highest rate of Duty, *subject always to an Appeal to the Governor in Council of Fort St. George.**

And upon the re-export by Sea of goods imported, excepting Opium and Salt, and all Goods of the growth, production, or manufacture of the Continent of India, provided the re-export be made within two years of the date of Import as per Custom House Register, and the goods be identified to the satisfaction of the Collector of Customs, there shall be retained one-eighth of the amount of Duty levied, and the remainder shall be repaid as Drawback.

But no Exporter of imported goods shall be entitled to Drawback, unless the Drawback be claimed at the time of re-export; nor shall any payment be made of Drawback, unless the amount claimed be demanded within one year from the date of entry of the goods for re-export in the Custom House Register.

SCHEDULE B.

Rates of Duty to be charged on Goods Exported by Sea from any Port or place in the Presidency of Fort St. George.

No.	*Enumeration of Goods.*	*Export on British Bottoms.*	*Export on Foreign Bottoms.*
12	Salt, having paid the price fixed to be paid on Salt declared for exportation to Ports or places not being subordinate to the Presidency of Fort St. George,......................	Free, ...	Free.
14	Opium, not covered by a Pass,........................	Prohibited, ...	Prohibited.

* See Act XXIX. 1855, S. 3. by which the appeal in such cases lies to the Board of Revenue instead of the Governor in Council.

SCHEDULE C.

Manifest of Goods Imported per Commander, from under Color. viz.

Marks	Number	Packages.	Quantity.	Weight.	Gallons.	Yards.	Description of Goods.	Invoice value.	Tariff value.
A	1 @ 5	5 Cases.	250 pieces.	0	0	3000	Cambrics, Long Cloths, bleached, Long Cloths, unbleached, Madapollams, bleached, Ditto, unbleached, Plain Muslins.		

N. B. Articles generally to be specified, excepting such as Ironmongery, Hard Ware, Glass Ware, Earthen Ware, Cutlery, Perfumery, Confectionery, Stationery, and such like. All articles from Great Britain to be entered according to the English Weight, not Native.

From China in like manner, in China Weights.

In Imports and Exports of Bullion or Coin, to specify the sort of which they consist.

SUPREME COURTS.

ACT No. VII. OF 1844.

1. *Within the local jurisdiction of Her Majesty's Courts, no person shall be excluded from giving evidence either in person or by deposition by reason of crime or interest. But this Act not to render competent any party to any suit, &c., or any person on whose immediate behalf any action is brought or defended. This Act not to repeal Act XXV. 1838; nor to prevent any defendant in Equity from being examined as a witness for plaintiff or co-defendant, &c.*

2. *Act not to apply to pending proceedings.*

An Act for improving the law of Evidence.

No person shall be excluded from giving evidence by reason of crime or interest. But this Act not to render competent any party to any suit, &c. This Act not to repeal Act XXV. 1838; nor to prevent any defendant in Equity from being examined.

1. Whereas the inquiry after truth in Her Majesty's Courts of Justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in Criminal and in Civil cases, should be laid before the persons who are appointed to decide upon them, and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony:

It is hereby enacted, that, within the local jurisdiction of Her Majesty's Courts, no person offered as a witness shall hereafter be excluded by reason of incapacity from crime or interest from giving evidence, either in person or by deposition, according to the practice of the Court on the trial of any issue joined, or of any matter or question, or on any inquiry arising in any suit, action or proceeding, Civil or Criminal, in any of Her Majesty's Courts, or before any Judge, Jury, Sheriff, Coroner, Magistrate, Officer or person having, by law or by consent of parties, authority within the jurisdiction of Her Majesty's Courts to hear, receive and examine evidence, but that every person so offered may and shall be admitted to give evidence on oath or solemn affirmation, in those cases wherein affirmation is by law receivable, notwithstanding that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question or enquiry, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such

person offered as a witness may have been previously convicted of any crime or offence. **Provided, that this Act shall not render competent any party to any suit, action, or proceeding individually named in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the Landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such persons respectively* : Provided also, that this Act shall not repeal any provision in the Act of the Government of India XXV. of 1838. Provided that, in any of Her Majesty's Courts sitting in Equity, any defendant to any cause pending in any such Court so sitting, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant so to be examined may have in the matter or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting or tending to affect the credit of such defendant as a witness.

Act not to apply to pending proceedings.

II. And it is hereby enacted, that nothing in this Act shall apply to, or affect any suit, action or proceeding, brought or commenced before the passing of this Act.

ACT No. VIII. OF 1844.

Repealed by Act VII. 1850.

GENERAL.

ACT No. IX. OF 1844.

This whole Act except Section 3, is repealed by Act X. 1861.

1. *All suits within the competency of a Principal Sudder Ameen or Sudder Ameen shall ordinarily be instituted in the Courts of those Officers.*

2. *Judge may withdraw them to himself or refer them to any other competent Subordinate Court.*

3 *Judge shall assign to the Principal Sudder Ameens or Sudder Ameens attached to his Court, if more than one, the several Moonsiffs'*

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* This provision is repealed by Act XV. 1852, Section 1, see also Act II. 1855, Secs. 14, 19, and 20.

divisions which shall constitute their respective special jurisdiction; and such officers shall have cognizance of all suits mentioned in Section 1, of this Act.

4. *Judge to receive Summary Appeals from orders of Principal Sudder Ameen or Sudder Ameen rejecting any original Suit.*

5. *The same stamp to be sufficient in any other Court as in that of Sudder Ameen.*

An Act for authorizing the institution of Suits in the Courts of Principal Sudder Ameens and Sudder Ameens.

I. It is hereby enacted, that within the Territories subject to the Presidencies of Fort William in Bengal, Fort St. George and Bombay, all suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide, shall ordinarily be instituted in the Courts of those officers respectively.

All suits within the competency of a P. S. A. or S. A. shall ordinarily be instituted in the Courts of those Officers.

II. Provided nevertheless, and it is hereby enacted, that it shall be competent to a Zillah or City Judge to withdraw such suits from the Court in which they may have been instituted and to try them himself, or to refer them for trial to any other Court subordinate to his authority, and competent in respect to the value of the suit whenever he may see sufficient reason for so doing.

Judge may withdraw or refer them.

III. And it is hereby enacted that whenever there shall be more than one Principal Sudder Ameen, or more than one Sudder Ameen attached to the Court of any Zillah or City Judge, and not having any special local jurisdiction, it shall be the duty of such Judge to appoint from time to time the several Moonsiffs' divisions which shall constitute the special local jurisdiction of each of such Principal Sudder Ameens and Sudder Ameens, and that each of such Principal Sudder Ameens and Sudder Ameens, shall be empowered to take cognizance of all such suits as are mentioned in Section 1, of this Act, provided the landed or other real property to which the suit may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant within the limits of such local jurisdiction as aforesaid.

Judge to assign to the P. S. Ameens or S. Ameens attached to his Court, if more than one, the several Moonsiffs' divisions which shall constitute their respective special jurisdiction.

Judge to receive Summary Appeals from orders of P. S. Ameen or S. Ameen rejecting any original Suit.

IV. And it is hereby enacted, that it shall be competent to the Zillah or City Judge to receive a Summary Appeal from the orders of any Principal Sudder Ameen or Sudder Ameen, rejecting any original suit cognizable by him, and that all Rules applicable to Summary Appeals from orders dismissing original suits on the ground of any default shall be applicable to the Summary Appeals given by this Act.

The same stamp to be sufficient in any other Court as in that of Sudder Ameen.

V. And it is hereby enacted, that in all Suits which in respect to value are cognizable by a Sudder Ameen, the same stamps shall be sufficient in any other Court as would have been sufficient in the Court of a Sudder Ameen.

ACT No. X. OF 1811.

SUPREME COURTS.

Recites Statute 9, Geo. 1, Cap 71, and enacts (1) that the recited enactment shall cease to have effect, and (2) that the sentence of death may be pronounced after convictions for murder in the same manner, &c. as after convictions for other capital offences.

An Act to amend the law respecting the period of the Execution of persons convicted of the crime of Murder.

Whereas by an Act passed in the ninth year of the reign of his late Majesty King George the Fourth, intituled an Act for improving the administration of Criminal Justice in the East Indies, it was amongst other things enacted, that every person convicted of murder should be executed according to law on the day next but one after that on which the sentence should be passed, unless the same should happen to be Sunday, and in that case on the Monday following, and that sentence should be pronounced immediately after the conviction of every murderer, unless the Court should see reasonable cause for postponing the same, and such sentence should express not only the usual judgment of death but also the time hereby appointed for the execution thereof: and it was by the said Act provided, that, after such sentence should have been pronounced,

it should be lawful for the Court or Judge to stay the execution thereof, if such Court or Judge should so think fit and whereas for the ends of justice, and especially more effectually to preserve from an irrevocable punishment any persons who may hereafter be convicted upon erroneous or perjured evidence, it is expedient to alter and amend the said recited Act in these respects.

I. It is hereby enacted, that, from and after the passing of this Act, so much of the said Act as is hereinbefore recited shall cease to have effect within the territories subject to the government of the East India Company.

II. And it is hereby further enacted, that, from and after the passing of this Act, sentence of death may be pronounced after convictions for murder by any Judge of any of Her Majesty's Courts of Justice within the territories subject to the government of the East India Company in the same manner, and the Judge shall have the same power in all respects as after convictions for other capital offences

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ACT No. XI. OF 1844

CALCUTTA. SUPREME COURT

1 *When occasion shall require any one of the Judges of the Supreme Court may sit apart on Criminal business at same time that the other Judges are sitting on Civil business*

2 *Court may transact same business in Vacation as in Term, subject to the Rules as to proceedings in Term*

An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort William in Bengal.

When occasion shall require, any one of the Judges of the Supreme Court may sit apart on Criminal business while the other Judges are sitting on Civil business.

I. It is hereby enacted, that, from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort William in Bengal, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the criminal business of the said Court, at the same time

when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

Court may transact same business in Vacation as in Term, subject to the Rules as to proceedings Term.

II. And it is hereby further enacted, that all business of what nature or kind soever which the said Supreme Court of Judicature at Fort William in Bengal may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatsoever before the said Court out of Term shall be as good, valid and effectual in the law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

GENERAL.

ACT No. XII. OF 1844.

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1. *Recites the Stat. 3 and 4, W. IV. c. 45, s. 43, Stat. 3 and 4 Vic. c. 37, and enacts 35 Articles for the Indian Navy.*
2. *Court Martial not to sentence for more than 2 years.*
3. *Court Martial not to try any offence, except those specified in the 5th, 34th and 35th Articles, unless committed on the sea, or in great rivers, and by persons in actual service and full pay at the time.*
4. *Court Martial not to try any land Officer or Soldier on board a Transport Ship.*

5. *Courts Martial how to be assembled. Provision in case of death, recall, or removal from command of the Commander-in-Chief.*

6. *Who to preside at Courts Martial.*

7. *If 3 or more vessels meet in foreign ports, the Senior Officer may hold and preside at Courts Martial.*

8. *If there be any material objection to the Second Officer in command presiding, the Government or the Commander-in-Chief may appoint the third Officer in command.*

9. *Court Martial not to consist of more than 13, or less than 5, persons next in seniority to the Officer presiding.*

10. *Judge Advocate to administer an oath to all the Members and the President to administer an oath to the Judge Advocate.*

11. *Punishment for refusal to give evidence, prevarication, or contempt of Court. Prosecution for perjury or subornation to be in Her Majesty's Courts.*

12. *Mode of setting forth the offence in such prosecutions.*

13. *Sentence of death not to be put in execution, until after report to and directions from the Supreme Government.*

14. *Judge Advocate to have power to administer an oath to Witnesses.*

15. *The Articles established by this Act to remain in full force with respect to the Crews of Vessels lost or destroyed, until they shall be regularly discharged or removed into other ships. The pay and wages of Officers and crew to continue, if they be found by Court Martial to have done their duty.*

16. *Pay and wages of Officers and Crews of captured Vessels to continue under the same conditions.*

17. *Periods of limitation beyond which no person not flying from justice shall be tried by Court Martial.*

18. *The jurisdiction of the Lord High Admiral, &c., not to be affected by this Act, but no person to be punished twice for the same offence.*

19. *Proceedings of Court Martial not to be delayed by absence of absent members. Court to sit from day to day, Sundays excepted. Members absent altogether to be cashiered, unless absent for cause approved of by the Court.*

An Act for better securing the observance of an exact discipline in the Indian Navy.

I. Whereas by an Act of the British Parliament passed in the Session held in the 3d and 4th years of His late Majesty King William the 4th intituled "An Act for effecting an arrangement with the East India Company, and for the better government of his Majesty's Indian Territories till the

Recites the Statute 3 and 4, W. IV. c. 85, s. 43.

30th day of April, 1854,"—It is among other things enacted, that the Governor-General of India in Council shall have power to make Laws and Regulations for repealing, amending or altering any Laws or Regulations whatever then in force, or thereafter to be in force in the said territories, or any part thereof, and to make Laws and Regulations for all persons, whether British or Native, Foreigners or others, and for all Courts of Justice whether established by His Majesty's Charters or otherwise, and the jurisdiction thereof, and for all places and things whatsoever within and throughout the whole or any part of the said territories, and for all servants of the said Company within the dominions of Princes and States in alliance with the said Company, save and except that the said Governor-General in Council shall not have the power of making any Laws or Regulations which shall in any way repeal, vary, suspend or affect any of the provisions of the now reciting Act, or any of the provisions of the Acts for punishing mutiny and desertion of Officers and Soldiers, whether in the service of His Majesty or the said Company, or any provisions of any Act thereafter to be passed in any wise affecting the said Company, or the said territories, or the inhabitants thereof, or any Laws and Regulations which shall in any way affect any Prerogative of the Crown or the authority of Parliament, or the constitution or rights of the said Company, or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland, whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or the sovereignty or dominion of the said Crown over any part of the said territories.

And it is hereby provided and enacted, that, in case the Court of Directors of the said Company, under such control as by the now reciting Act is provided, shall signify to the said Governor-General in Council their disallowance of any Laws or Regulations by the said Governor-General in Council made, then and in every such case, upon receipt by the said Governor-General in Council of notice of such disallowance, the said Governor-General in Council shall forthwith repeal all Laws and Regulations so disallowed. And it is also provided

and enacted, that all Laws and Regulations made as aforesaid, so long as they shall remain unrepealed, shall be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories, and shall be taken notice of by all Courts of Justice whatsoever within the same territories in the same manner as any Public Act of Parliament would and ought to be taken notice of, and it shall not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor-General in Council. And it is thereby also provided and enacted, that it shall not be lawful for the said Governor-General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power shall be given to any Courts of Justice other than the Courts of Justice established by His Majesty's Charters, to sentence to the punishment of death, any of His Majesty's natural born subjects, born in Europe, or the children of such subjects, or which shall abolish any of the Courts of Justice established by His Majesty's Charters.

And whereas by another Act passed in the Session held in the 3d and 4th years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the service of the East India Company, and for providing for the observance of Discipline in the Indian Navy, and to amend the Laws for regulating the payment of Regimental Debts and the distribution of the effects of Officers and Soldiers dying in service," reciting that the said Company for the safety and protection of the territories under their government in addition to their Land Forces, maintain a Marine Establishment theretofore called "the Bombay Marine," but then called "the Indian Navy;" and that by an Act passed in the 9th year of the Reign of King George the Fourth, intituled "An Act to extend the provisions of the East India Mutiny Act to the Bombay Marine," reciting an Act of the 4th year of King George the Fourth, and that it was expedient that discipline should be enforced in the said Marine Establishment in the manner provided by the said Act of the 4th year of King George

And the Statute 3 and 4 Vic. c. 37.

the Fourth in respect to the other Forces of the said Company, it is enacted that the provisions of the said Act of the 4th year of King George the Fourth and the Rules and Articles of War made and to be made by virtue thereof should extend and be applied to the service of "the Bombay Marine," and that all persons in the service of the said Company belonging to the said Bombay Marine who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be to all intents and purposes liable to the provisions of the said Act of the 4th year of His Majesty King George the Fourth and to the same Rules and Articles of War, and the same penalties as the Officers and Soldiers of the said Company's other Forces, and reciting that it is expedient to provide other means for enforcing discipline in the said Marine Establishment called "the Indian Navy," it was amongst other things enacted, that, for the maintaining the Forces of the said Establishment in their duty, the Governor-General of India in Council should have power to make Laws and Regulations for securing the observance of an exact discipline in the said service called "the Indian Navy," and for bringing to a more exemplary and speedy punishment than the usual forms of the law will allow all Officers, Engineers, Soldiers, Marines, Seamen and all others belonging to the said Marine Establishment who should Mutiny, or stir up Sedition, or should Desert the said service, or should commit any other offence which in its nature would be cognizable by Court Martial under the now reciting Act, or which might be against good discipline in Naval Service in the same, in as full and ample manner, to all intents and purposes, as by virtue of the Act passed in the Session held in the 3d and 4th years of the Reign of his late Majesty King William the Fourth, the said Governor-General in Council then had power to make any Laws and Regulations whatsoever, anything in the said last mentioned Act, or any other Act or Acts to the contrary notwithstanding. And it was thereby provided and enacted, that, in case the Court of Directors of the East India Company, under the control of the Board of Commissioners for the Affairs of India, should signify to the said Governor-General in Coun-

cil their disallowance of any Laws or Regulations by the said Governor-General in Council made by virtue of the now reciting Act, then and in every such case, upon receipt by the said Governor-General in Council of notice of such disallowance, the said Governor-General in Council should forthwith repeal all Laws and Regulations so disallowed. And it was also provided and enacted, that all Laws and Regulations made as aforesaid, so long as they should remain unrepealed, should be of the same force and effect within and throughout the said territories as any Act of Parliament would or ought to be within the same territories, and should be taken notice of by all Courts of Justice whatsoever within the same territories in the same manner as any Public Act of Parliament would and ought to be taken notice of, and it should not be necessary to register or publish in any Court of Justice any Laws or Regulations made by the said Governor-General in Council.

And it was also provided and enacted, that it should not be lawful for the said Governor-General in Council, without the previous sanction of the said Court of Directors, to make any Law or Regulation whereby power should be given to any Court other than the Courts of Justice established by the Charters of the Crown, to sentence to the punishment of Death any of Her Majesty's natural born subjects born in Europe or the children of such subjects.

And it was also provided and enacted, that until the said Governor-General in Council should have made Laws and Regulations for the good government of the said "Indian Navy," by virtue of the powers by the now reciting Act for that purpose given, all the provisions of the now reciting Act, and the Rules and Articles of War to be made by virtue thereof should extend and be applied to the said Marine Establishment called the "Indian Navy," and that all persons in the service of the said Company belonging to the said Indian Navy, who should be Commissioned or in pay as Officers, or enlisted or in pay as Non-Commissioned Officers or Soldiers respectively in the said Company's Army, should be, to all intents and purposes, liable to the provisions of the now reciting Act, and to the same Rules and Articles of War, and the same penalties

as the Officers and soldiers of the said Company's other Forces.

And whereas it is deemed expedient to place the Indian Navy under Articles and Orders as nearly similar as may be to those in force in Her Majesty's Navy, and the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained, and to all and singular the Laws and Regulations hereby made, Now it is therefore hereby enacted, that from and after the First day of October 1844, the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be duly observed and put in execution in manner hereinafter mentioned.

Enacts 35 Articles and Orders for the Indian Navy.

Public Worship.

1. All Captains, Commanders, and Officers, in or belonging to any of the East India Company's Ships or Vessels of War shall cause the public Worship of Almighty God, according to the Liturgy of the Church of England established by law to be solemnly, orderly and reverently performed, in their respective Ships, and shall take care that Prayers and Preaching be performed diligently, and that the Lord's Day be observed according to law.

Profane Oaths and Drunkenness.

2. All Officers, Engineers, Soldiers, Marines, Seamen and others belonging to the Indian Navy, being guilty of profane Oaths, Cursing, Execrations, Drunkenness, Uncleanness or other scandalous actions, in derogation of God's honor and corruption of good manners, shall incur such punishment as a Court Martial shall think fit to impose, and as the nature and degree of their offence shall deserve.

3. If any Officer, Engineer, Soldier, Marine, Seaman or other person belonging to the Indian Navy shall give, hold or entertain intelligence to or with any Enemy or Rebel, without leave from the Queen's Majesty, or the Governor-General in Council, or the Governor in Council of the Presidency under which they serve, or persons duly authorized or the Commander-in-Chief or his Commanding Officer, every such person so offending and being thereof convicted by the sentence of a Court Martial, shall be punished with Death, or such other punishment as the nature and degree of the offence may deserve, or the Court Martial shall impose.

4. If any letter or message from any Enemy or Rebel be conveyed to any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy, and the said Officer, Engineer, Soldier, Marine, Seaman or other person as aforesaid shall not within twelve hours, having opportunity so to do, acquaint his Superior Officer, or the Officer Commanding in Chief with it, or if any Superior Officer belonging to the Indian Navy being acquainted therewith shall not in convenient time reveal the same to the Officer Commanding in Chief the Squadron, every such person so offending, and being convicted thereof by the sentence of a Court Martial, shall be punished with Death, or such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

Not revealing letter or message from Enemy or Rebel within twelve hours.

5. All Spies, and all persons whatsoever, who shall come or be found in the nature of Spies within the territories under the government of the East India Company to bring or deliver any seducing letters or messages from any Enemy or Rebel, or endeavour to corrupt any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy to betray his trust, being convicted of any such offence by the sentence of a Court Martial, shall be punished with Death, or shall suffer such other punishment as the nature and degree of the offence shall deserve and the Court Martial shall impose.

Spies and persons bringing letters or messages.

6. No person belonging to the Indian Navy shall relieve an Enemy or Rebel, with Money, Victuals, Powder, Shot, Arms, Ammunition, or any other supplies whatsoever, directly or indirectly, upon pain of Death, or such other punishment as a Court Martial shall think fit to impose, and as the nature and degree of the crime shall deserve.

Relieving Enemy or Rebel.

7. All the Papers, Charter Parties, Bills of Lading, Passports and other writings whatsoever that shall be taken, seized, or found aboard any ship or vessel which shall be surprised or taken as Prize shall be duly preserved, and the very originals shall, by the Commanding Officer of the ship or vessel which shall take such Prize, be sent entirely and without fraud to the Court of Admiralty, or such other Court or Commissioners as shall be authorized to determine whether

Papers, &c. found on board vessel taken as Prize.

such Prize be lawful capture, there to be viewed, made use of, and proceeded upon according to law, upon pain that every person offending therein shall forfeit and lose all share of the capture, and shall suffer such further punishment as the nature and degree of his offence shall be found to deserve and the Court Martial shall impose.

Goods not to be removed from ship taken as Prize.

8. No person in or belonging to the Indian Navy shall take out of any Prize, or ship or vessel seized for Prize, any Money, Plate or Goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of Her Majesty's Ships or Vessels of War, or of any of the ships or vessels of the Indian Navy, before the same be adjudged lawful prize in some Admiralty or other competent Court, but the full and entire account of the whole without embezzlement shall be brought in and judgment passed entirely upon the whole without fraud, upon pain that every person offending herein shall forfeit and lose all share of the capture, and suffer such further punishment as shall be imposed by a Court Martial, or such Court of Admiralty, according to the nature and degree of the offence.

Persons on board Prize Ship not to be pillaged, &c.

9. If any ship or vessel shall be taken as Prize, none of the Officers, Mariners or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten or evil treated, upon pain that the person or persons so offending shall be liable to such punishment as a Court Martial shall think fit to inflict.

Refusal to fight, treachery, cowardice.

10. Every Superior Officer belonging to the Indian Navy, who upon signal order of fight, or sight of any Ship or Vessel which it may be his duty to engage, or who upon likelihood of engagement shall not make the necessary preparations for fight, and shall not, in his own person and according to his place, encourage the inferior Officers and men to fight courageously, shall suffer Death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve; and if any person belonging to the Indian Navy shall treacherously or cowardly yield or cry for quarter, any person so offending and being convicted thereof by the sentence of a Court Martial shall suffer Death, or such other

punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

Disobedience of orders.

11. Every person belonging to the Indian Navy who shall not duly observe the orders of the Officer Commanding in Chief the Squadron or Division, or other his Superior Officer, for assailing, joining battle with, or making defence against any Fleet, Squadron, or Ship or Vessel, or shall not obey the orders of his Superior Officer as aforesaid in time of action to the best of his power, or shall not use all possible endeavours to put the same effectually in execution—every such person so offending and being convicted thereof by the sentence of a Court Martial shall suffer Death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

Withdrawing from fight.

12. Every person belonging to the Indian Navy who, through cowardice, negligence or disaffection shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every ship and vessel which it shall be his duty to engage, and to assist and relieve all and every the ships and vessels of Her Majesty and of the East India Company, or of Her Majesty's or the said Company's Allies, which it shall be his duty to assist and relieve, every such person so offending, and being convicted thereof by the sentence of a Court Martial, shall suffer Death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

Forbearing to pursue, &c.

13. Every person belonging to the Indian Navy who, through cowardice, negligence or disaffection shall forbear to pursue the chase of any Enemy, Pirate or Rebel, beaten or flying, or shall not relieve or assist a known friend in view to the utmost of his power, being convicted of such offence by the sentence of a Court Martial, shall suffer Death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

Delay on pretence of wages, &c.

14. If when action or any service shall be commanded, any person belonging to the Indian Navy shall presume to delay or discourage the said action or service upon pretence of

arrears of wages, or upon any pretence whatsoever, every person so offending, being convicted thereof by the sentence of a Court Martial, shall suffer Death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

Desertion to the Enemy.

15. Every person in or belonging to the Indian Navy who shall desert to any Enemy, Pirate or Rebel, or run away with any of the Ships or Vessels of War of Her Majesty or of the East India Company, or any Ordnance, Ammunition, Stores or Provisions belonging thereto, to the weakening of the service, or yield up the same cowardly or treacherously to any Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial, shall suffer Death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

Desertion or enticing to desert.

16. Every person belonging to the Indian Navy who shall desert or entice others so to do, shall suffer Death, or such other punishment as the circumstances of the offence shall deserve and a Court Martial shall judge fit; and if any Commanding Officer of any of the East India Company's Ships or Vessels or War shall receive or entertain a deserter from any other Ship or Vessel of Her Majesty or of the East India Company, after discovering him to be such deserter, and shall not with all convenient speed give notice to the Captain of the Ship or Vessel to which such deserter belongs; or if the said Ships or Vessels are at any considerable distance from each other, to the Government or to the Officer Commanding in Chief, every person so offending, and being convicted thereof by the sentence of a Court Martial, shall be cashiered.

Harbouring deserters.

Ships appointed for Convoy of Merchant Ships.

17. The Officers and Seamen of all ships or vessels belonging to the Indian Navy, appointed for Convoy and Guard of Merchant Ships or Vessels, or of any other, shall diligently attend upon that charge without delay, according to their instructions in that behalf, and whosoever shall be faulty therein, and shall not faithfully perform their duty and defend the ships, vessels and goods in their Convoy without either diverting to other parts, or occasions, or refusing or neglect-

ing to fight in their defence, if they be assailed, or running away cowardly and submitting the ships in their Convoy to peril and hazard, or shall demand or exact any money or other reward from any Merchant or Master for convoying of any ships or vessels entrusted to their care, or shall misuse the Masters or Mariners thereof, shall be condemned to make reparation of the damage to the Merchants, Owners, and others, as the Court of Admiralty or other competent Court shall judge; and also be punished criminally according to the quality of their offences, be it by pains of Death, or other punishment, according as shall be adjudged fit by a Court Martial.

Receiving on board any Goods or Merchandize—but those excepted.

18. If any Captain, Commander or other Officer of any of the ships or vessels of the Indian Navy shall receive on board, or permit to be received on board such ship or vessel any Goods or Merchandizes whatsoever, other than for the sole use of the ship or vessel, except Gold, Silver, or Jewels, and except the Goods and Merchandizes belonging to any Merchant or other Ship or Vessel which may be shipwrecked either on the High Seas, or in any Port, Creek or Harbour, in order to the preserving them for their proper owners, and except such Goods or Merchandizes as he shall at any time be ordered to take or receive on board by order of any competent authority, every person so offending, being convicted thereof by the sentence of a Court Martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the Naval Service of the East India Company.

Mutiny and Sedition and contempt of Superior Officer.

19. If any person belonging to the Indian Navy shall make or endeavour to make any mutinous assembly upon any pretence whatsoever, or shall utter any words of sedition or mutiny, he shall suffer Death or such other punishment as a Court Martial shall deem him to deserve; and if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall behave himself with contempt to his Superior Officer, such Superior Officer being in the execution of his office, he shall suffer such punishment according to the nature of his offence as a Court Martial shall deem him to deserve.

Concealment of treachery or mutiny.

20. If any person belonging to the Indian Navy shall conceal any traitorous or mutinous practice or design, being convicted thereof by the sentence of a Court Martial, he shall suffer Death, or such other punishment as a Court Martial shall think fit; and if any person belonging to the Indian Navy shall conceal any traitorous or mutinous words spoken by any to the prejudice of Her Majesty, or any words, practice or design tending to the hindrance of the service, and shall not forthwith reveal the same to the Commanding Officer, or, being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same, he shall be punished as a Court Martial shall think he deserves.

Complaints as to victuals, &c, to be quietly made.

21. If any person belonging to the Indian Navy shall find cause for complaint of the unwholesomeness of the victuals or upon other just ground, he shall quietly make the same known to his Superior Officer, or Captain, or Commander in Chief, as the occasion may deserve, that such present remedy may be had as the matter may require; and the said Superior Officer, Captain or Commander in Chief shall, as far as he is able, cause the same to be presently remedied, and no person belonging to the Indian Navy, upon any such or any other pretence, shall attempt to stir up any disturbance upon pain of such punishment as a Court Martial shall think fit to inflict according to the degree of the offence.

Striking a Superior Officer on duty.

22. If any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall strike any of his Superior Officers, or draw, or offer to draw, or lift up any weapon against him, being in the execution of his office, on any pretence whatsoever; or if any Officer, Engineer, Soldier, Marine, Seaman, or other person belonging to the Indian Navy shall presume to quarrel with any of his Superior Officers, being in the execution of his office, or shall disobey any lawful command of any of his Superior Officers, every such person, being convicted of any such offence by the sentence of a Court Martial, shall suffer Death, or such other punishment as shall according to the nature and degree of his offence be inflicted upon him by the sentence of a Court Martial.

23. If any person belonging to the Indian Navy shall quarrel or fight with any other person therein, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, he shall upon being convicted thereof suffer such punishment as the offence shall deserve and a Court Martial shall impose.

Quarrelling or fighting.

24. There shall be no embezzlement nor wasteful expense of any Powder, Shot, Ammunition, or other stores. But the stores and provisions shall be carefully preserved upon pain of such punishment as shall be by a Court Martial found just in that behalf.

Embezzlement.

25. Every person belonging to the Indian Navy who shall unlawfully burn or set fire to any Magazine, or Store of Powder, or Ship, Boat, Ketch, Hoy or Vessel, or tackle or furniture thereunto belonging, not then appertaining to an Enemy, Pirate or Rebel, being convicted of any such offence by the sentence of a Court Martial, shall suffer Death, or such other punishment as from the nature and degree of the offence a Court Martial shall deem him to deserve.

Arson of Magazine, &c.

26. Care shall be taken in the conducting and steering of any of the Ships or Vessels of the Indian Navy, that through wilfulness, negligence or other defaults no Ship or Vessel be stranded or run upon any rocks or sands, or split, or hazarded, upon pain that such as shall be found guilty therein be punished by Death or such other punishment as the offence by a Court Martial shall be judged to deserve.

Careful steering.

27. No person belonging to the Indian Navy shall sleep upon his watch, or negligently perform the duty imposed on him, or forsake his station upon pain of Death, or such other punishment as a Court Martial shall think fit to impose and as the circumstances of the case shall require.

Sleeping on watch, &c.

28. All murders committed by any person belonging to the Indian Navy shall be punished with Death by the sentence of a Court Martial.

Murder.

29. If any person belonging to the Indian Navy shall commit the unnatural and detestable sin of buggery or sodomy with man or beast, he shall be punished with Death, or such

Unnatural crime.

other punishment as the offence by a Court Martial shall be judged to deserve.

R bbery.

30. All robbery committed by any person belonging to the Indian Navy shall be punished with Death, or otherwise, as a Court Martial upon consideration of circumstances shall find meet.

Making or signing false muster.

31. Every Officer or other person belonging to the Indian Navy, who shall knowingly make or sign a false muster or muster book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall, upon proof of any such offence being made before a Court Martial, be cashiered.

Refusal to apprehend Criminal.

32. No person belonging to the Indian Navy, being duly authorized so to do, shall refuse to apprehend any Criminal whom he shall be authorized by legal Warrant to apprehend, or to receive or keep any prisoner committed to his charge, or wilfully suffer him to escape, being once in his custody, or dismiss him without lawful order, upon pain of such punishment as a Court Martial shall deem him to deserve; and all Captains, Officers and others belonging to the Indian Navy shall do their endeavour to detect, apprehend and bring to punishment all offenders, and shall assist the Officers appointed for that purpose therein, upon pain of being proceeded against and punished by a Court Martial according to the nature and degree of the offence.

Conduct unbecoming an Officer.

33. If any Superior Officer, Captain or Commander, or Lieutenant belonging to the Indian Navy shall be convicted before a Court Martial of behaving in a scandalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming the character of an Officer, he shall be dismissed from the Indian Navy, or suffer such other punishment as a Court Martial shall deem him to deserve.

[illegible]ny, D[illegible]tion or Disobedience on shore, when in actual pay.

34. Every person belonging to the Indian Navy, being in actual service and full pay, who shall be guilty of Mutiny, Desertion, or Disobedience to any lawful command in any part of the territories under the government of the East India Company, on shore, when in actual service relative to the

Indian Navy, shall be liable to be tried by a Court Martial, and suffer the like punishment for every offence as if the same had been committed at Sea on board any Ships or Vessels of the Indian Navy.

35. If any person belonging to the Indian Navy, who shall be in actual service and full pay, shall commit upon the shore in any place or places out of the territories under the Government of the East India Company, any of the crimes punishable by these Articles and Orders, the person so offending shall be liable to be tried and punished for the same in like manner to all intents and purposes as if the said Crimes had been committed at Sea on board any of the Ships or Vessels of the Indian Navy.*

Court Martial not to sentence for more than two years.

II. Provided always, that no person convicted of any offence shall, by the sentence of any Court Martial, to be held by virtue of this Act, be adjudged to be imprisoned for a longer term than the space of two years.

Court Martial not to try any offence, except those specified in the 5th, 34th and 35th Articles, unless committed on the sea, or in great rivers, and by persons in actual service and full pay at the time.

III. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court Martial, to be constituted by virtue of this Act, to proceed to the punishment or trial of any of the offences specified in the several Articles contained in this Act, or of any offence whatsoever (other than the offences specified in the 5th, 34th and 35th of the foregoing Articles and Orders), which shall not be committed upon the Main Sea or in Great Rivers only beneath the Bridges of the said Rivers nigh to the Sea, or any Haven, River, or Creek within the jurisdiction of the Admiralty, and which shall not be committed by such person as at the time of the offence committed shall be in actual service and full pay in the Indian Navy, such persons only excepted, and for such offences only as are described in the 5th of the foregoing Articles and Orders.

Court Martial not to try any land Officer or Soldier on board a Transport Ship.

IV. Provided also, that nothing in this Act contained shall extend, or be construed to extend to empower any Court

* In addition to these 35 Articles, 3 more have been enacted by Act XXVII. 1848, Sec. 1.

Martial, to be constituted by virtue of this Act, to proceed to the punishment or trial of any Land Officer or Soldier, on board any Transport Ship, for any of the offences specified in the several Articles contained in this Act.

Courts Martial how to be assembled. Provision in case of death, recall, or removal from command of the Commander-in-Chief.

V. And it is hereby further enacted, that the Governor-General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority to grant Commissions to any Officer Commanding in Chief any fleet or squadron of Ships or Vessels of War, to call and assemble Courts Martial, consisting of Captains, Commanders and Lieutenants; and that in case any Officer Commanding in Chief any fleet or squadron of Ships or Vessels of War, (who shall be authorized by the Governor-General or Governor in Council for the time being, to call and assemble Courts Martial in foreign parts) shall happen to die, or be recalled or removed from his command, then the Officer upon whom the command of the said Fleet or Squadron shall devolve, not under the rank of Commander, and so from time to time the Officer not under the rank of Commander, who shall have the command of the said Fleet or Squadron, shall have the same power to call and assemble Courts Martial as the first Commander in Chief of the said Fleet or Squadron was invested with.

Who to preside at Courts Martial.

VI. Provided always, and it is hereby enacted, that no Commander in Chief of any fleet or squadron of the Indian Navy or detachment thereof, consisting of more than five Ships or Vessels, shall preside at any Court Martial, but that the Officer next in command to such Officer Commanding in Chief shall hold such Court Martial and preside thereat, any law, custom or usage to the contrary notwithstanding.

If three or more vessels meet in foreign ports, the Senior Officer may hold, and preside at Courts Martial.

VII. And it is hereby further enacted, that, if any three or more of the Ships or Vessels of the Indian Navy shall happen to meet together in Foreign parts, then and in such case it shall be lawful for the Senior Officer of the said Ships or Vessels, not under the rank of Commander, to hold Courts Martial and preside thereat, from time to time, as there shall be

occasion, during so long time as the said Ships or Vessels of the Indian Navy, or any three or more of them, shall continue together.

If there be any material objection to the Second Officer in command presiding, the Government, or the Commander-in-Chief may appoint the third Officer in command.

VIII. Provided nevertheless and it is also enacted, that, where any material objection occurs which may render it improper for the person who is next in command to the Senior Officer or Commander in Chief of any fleet or squadron of the Ships of the Indian Navy in Foreign parts to hold Courts Martial or preside thereat, in such case it shall be lawful for the said Governor-General or Governor in Council, as also the Commander in Chief of any such squadron of the Ships or Vessels of the Indian Navy in Foreign parts respectively, to appoint the third Officer in Command to preside at or hold such Court Martial.

Court Martial not to consist of more than thirteen, or less than five persons next in seniority to the Officer presiding.

IX. And it is hereby further enacted, that no Court Martial to be held or appointed by virtue of this present Act, shall consist of more than thirteen or less than five persons, to be composed of such Superior Officers, Captains, Commanders or Lieutenants, then and there present, as are next in seniority to the Officer who presides at the Court Martial, such Lieutenants not to exceed two-fifths of the whole Court. Provided always and it is hereby enacted, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Governor-General, or Governor in Council, (as the case may be) or any Officer empowered to order or hold Courts Martial, to direct or ascertain the particular number of persons of which any Court Martial to be held or appointed by virtue of this Act shall consist.

Judge Advocate to administer an oath to all the members of the Court Martial and the President to administer an oath to the Judge Advocate.

X. And it is hereby further enacted, that, upon all trials of offenders by any Court Martial, all the Officers present who are to constitute the said Court Martial shall, before they proceed to such trial, take such oath as is hereinafter mentioned upon the Holy Evangelists before the Court, which oath the Judge Advocate or his Deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)—

I, A. B., do swear that I will administer justice according to the Articles and Orders established by an Act passed for the better securing the observance of an exact Discipline in the Indian Navy, without partiality, favor or affection, and if any case shall arise which is not particularly mentioned in the said Articles and Orders, I will duly administer justice according to my conscience and the best of my understanding. And I do further swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor-General of India in Council.

So help me God.

And so soon as the said oath shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an oath in the following words:—

I, A. B., do swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of this Court Martial, unless thereunto required by an Act of the Governor-General of India in Council.

So help me God.

Punishment for refusal to give evidence, prevarication, or contempt of Court. Prosecution for perjury or subornation to be in Her Majesty's Courts.

XI. And it is hereby further enacted, that in case any person in the Indian Navy, being called upon to give evidence at any Court Martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the Court, it shall and may be lawful for such Court Martial to punish every such offender by imprisonment at the discretion of the Court; such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt: and that all and every person and persons who shall commit any wilful perjury in any evidence or examination upon oath at any such Court Martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may

be prosecuted in Her Majesty's Courts by Indictment or Information, and every issue joined in any such Indictment or Information shall be tried according to the Laws in force in such cases.

XII. And it is further enacted, that in every Information or Indictment to be prosecuted by virtue of this Act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant, without setting forth the Commission or Authority for holding the Court Martial, and without setting forth the particular matter tried or to be tried, or directed or intended to be tried before such Court.

Mode of setting forth the offence in such prosecutions.

XIII. And it is hereby further enacted, that no sentence of death given by any Court Martial shall be put in execution, till after the report of the proceedings of the said Court shall have been made to the said Governor-General in Council and his directions shall have been given therein.

Sentence of death not to be put in execution until after report to and directions from the Supreme Government.

XIV. And it is further enacted, that the Judge Advocate for the time being, or his Deputy, shall have full power and authority, and is hereby required to administer an oath to any witness at any trial by Court Martial, and, in the absence of the Judge Advocate and his Deputy, the Court Martial shall have full power and authority to appoint any person to execute the office of Judge Advocate.

Judge Advocate to have power to administer an oath to Witnesses.

XV. And it is further enacted, that all the powers given by the several Articles and Orders established by this Act shall remain and be in full force with respect to the Crews of such of the Ships or Vessels of the Indian Navy as shall be wrecked, or be otherwise lost or destroyed, and all the command, power and authority of the Officers of the said Ships or Vessels shall remain and be in full force, as effectually as if such Ships or Vessels to which they did belong were not so wrecked, lost or destroyed, until they shall be regularly discharged from the East India Company's further service, or removed into some other of the Ships or Vessels of the Indian Navy, or until a Court

The Articles established by this Act to remain in full force with respect to the Crews of Vessels lost or destroyed, until they shall be regularly discharged or removed into other ships. The pay and wages of officers and crew to continue if they be found by Court Martial to have done their duty.

Martial shall be held to enquire into the causes of the loss of the said Ships or Vessels; and if upon such enquiry it shall appear by the sentence of the Court Martial that all or any of the Officers or Seamen of the said Ships or Vessels did their utmost to preserve, get off or recover the same, and since the loss thereof have behaved themselves obediently to their Superior Officers according to the discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, then all the pay and wages of the said Officers and Seamen, or of such of them as shall have done their duty as aforesaid, shall continue and go on and be paid to the time of their discharge or death, or if they shall be then alive to the time of the holding of such Court Martial, or removal into some other of the Ships or Vessels of the Indian Navy; and every such Officer and Seaman of the Ships or Vessels of the Indian Navy, who, after the wreck or loss of his Ship or Vessel, shall act contrary to the discipline of the Indian Navy, and the several Articles or Orders hereinbefore established, or any of them, shall be sentenced by the said Court Martial and punished as if the Ship or Vessel to which he did belong was not so wrecked, lost or destroyed.

Pay and wages of Officers and Crews of captured Vessels to continue under the same conditions.

XVI. And it is further enacted, that all the pay and wages of such Officers and Seamen of any of the Ships or Vessels of the Indian Navy as are taken by the Enemy, who upon enquiry at a Court Martial shall appear, by the sentence of the said Court, to have done their utmost to defend the said Ships or Vessels, and since the taking thereof have behaved themselves obediently to their Superior Officers according to the discipline of the Indian Navy, and the said Articles and Orders hereinbefore established, shall continue and go on and be paid from the time of their being so taken to the time of the holding of such Court Martial, or until they shall be regularly discharged from the East India Company's service or removed into some other of the Ships or Vessels of the Indian Navy, or, if they shall die in captivity or not live to the time of the holding of such Court Martial, to the time of their death, in such manner and not otherwise, as if the said Ships

or Vessels to which they did belong respectively were not so taken.

XVII. Provided always and it is further enacted, that no person or persons not flying from justice shall be tried or punished by any Court Martial for any offence to be committed against this Act, unless the complaint of such offence be made in writing to the Governor-General in Council or Governor in Council or some Officer empowered to order a Court Martial, or unless a Court Martial to try such offender shall be ordered by the said Governor-General or Governor in Council or such Officer, either within three years after such offence shall be committed, or within one year after the return of the Ship or Vessels of the Squadron to which such offender shall belong into any of the Ports in the East Indies, or within one year after the return of such offender into the East Indies.

Periods of limitation beyond which no person not flying from justice shall be tried by Court Martial.

XVIII. Provided always, that nothing in this Act contained shall extend or be construed to extend to take away from the Lord High Admiral of Great Britain, or the Commissioners for executing the office of the Lord High Admiral of Great Britain, or any Vice Admiral, or any Judge or Judges of the Admiralty, or his or their Deputy or Deputies, or any other Officers or Ministers of the Admiralty, or any others having or claiming any Admiralty power, jurisdiction or authority within any of the Queen's Dominions, or from any person or Court whatsoever, any power, right, jurisdiction, pre-eminence or authority which he or they or any of them lawfully hath, have or had, or ought to have or enjoy before the making of this Act, so as the same person shall not be punished twice for the same offence.

The jurisdiction of the Lord High Admiral, &c., not to be affected by this Act, but no person to be punished twice for the same offence.

XIX. And it is further enacted, that the proceedings of any Court Martial shall not be delayed by the absence of any of its Members, provided a sufficient number doth remain to compose such Court, which shall and is hereby required to sit from day to day, (Sundays always excepted,) until the sentence be given, anything hereinbefore contained to the con-

Proceedings of Court Martial not to be delayed by absence of members. Court to sit from day to day, Sundays excepted. Members absent altogether to be cashiered unless for cause ap-

proved of by the Court.

trary thereof in any wise notwithstanding; and no Member of the said Court Martial shall absent himself from the said Court during the whole course of the trial upon pain of being cashiered from the East India Company's Service, except in case of sickness, or other extraordinary and indispensable occasion to be judged of by the said Court.*

BENGAL, N. W. P.

ACT No. XIII. OF 1844.

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1. *Trisoolee Pice struck for Benares to cease to be legal tenders.*
2. *But to be received on account of Government and exchanged for Company's Pice.*
3. *The Lieutenant-Governor to appoint places and rates for such Exchange.*

An Act for making Trisoolee Pice no longer a legal tender within the Province of Benares, and for their withdrawal from circulation.

I. It is hereby enacted, that from and after the First day of August, 1844, the Trisoolee Pice struck for the Province of Benares, under the Provisions of Regulations X. of 1809 and VII. of 1814, and at the Saugor Mint, shall cease to be a legal tender within the Province of Benares.

II. And it is hereby enacted, that, until the said First day of August, 1844, such Trisoolee Pice shall be received on account of the Government and shall be exchanged by tale (that is to say, every Trisoolee Pice paid in shall be received as one Company's Pice, and one Company's Pice shall be given for every Trisoolee Pice, presented for exchange) at such Treasuries or other places, within the Province of Benares, as shall be pointed out for that purpose in any Proclamation of the Lieutenant-Governor of the North-Western Provinces.

III. And it is hereby enacted, that, immediately after the passing of this Act, the said Lieutenant-Governor shall issue a Proclamation pointing out the Treasuries or other

* This Act has been amended by Act XXVII. of 1848.

places within the Province of Benares at which such Trisoolee Pice shall be so received and exchanged as aforesaid, and notifying any Regulations respecting such receipt or exchange as the said Lieutenant-Governor may deem it expedient to establish for the carrying into effect of the same, for the prevention of fraud therein, and especially for the rejection of such Trisoolee Pice as may appear to the officer appointed to receive or exchange the same under this Act to be undoubtedly spurious.

The L. G. may order one Rupee to be given for 64 Trisoolee Pice.

IV. And it is hereby enacted, that it shall be lawful for the said Lieutenant-Governor if he shall see fit, to order that in any case one Company's Rupee shall be given for every 64 Trisoolee Pice so presented for exchange, and that in every such case one Company's Rupee shall be given for every 64 Trisoolee Pice accordingly.

ACT No. XIV. OF 1844.

Repealed by Act XVII. 1862.

ACT No. XV. OF 1844.

Repealed by Act IX. 1845, S. 3.

ACT No. XVI. OF 1844.

BOMBAY.

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1. *Act XXVII. 1837, Sec. 1, repealed.*
2. *Duty of One Rupee per Maund of 3,200 Tolas to be paid on Salt delivered at Government Salt Works.*
3. *Act I. 1838, Sec. 43, repealed.*
4. *After payment of Duty, Exporter to be entitled to a Certificate, under which he may land Salt at any other Port and pass it into the interior, free.*
5. *Act I. 1838, Sch. A and B partially repealed.*
6. *Import Duty on Salt to be One Rupee per Maund: and duty paid Salt may be re-exported, free.*

An Act for increasing the Excise and Import Duties heretofore payable to the Government on Salt manufactured within or imported into the territories subject to the Government of the Presidency of Bombay.

Whereas by Act VI. of 1844 all Inland Transit and Town Duties, levied on behalf of the Government of the East India Company, within the limits of the territories subordinate to the Presidency of Fort St. George were abolished, and the impost on Salt manufactured and sold within the said territories was raised to a rate more in accordance with the Tax on the same article borne by other divisions of the British Possessions: and whereas, although enquiries which have been instituted as to the origin and extent of certain Town duties and local cesses within the Presidency of Bombay with a view to their abolition have not yet been completed, it is nevertheless expedient, in order to equalize the average prices of Salt within the Presidencies of Fort St. George and Bombay, to increase as well the Customs duty on imported Salt as the Excise duty heretofore and at present payable on Salt that may be delivered from any Salt Work within the territories subject to the Government of the Presidency of Bombay,

Act XXVII. 1837, Sec. 1, repealed.

I. It is hereby enacted that from the First day of September 1844, Sec. 1 of Act XXVII. of 1837, shall be repealed.

Duty of One Rupee per Maund to be paid on Salt delivered at Government Salt Works.

II. And it is hereby enacted that from the First day of September, 1844, there shall be paid to the Governor on every Maund of 3,200 Tolas weight of Salt that may be delivered from any Salt Work within the territories subject to the Government of the Presidency of Bombay a duty of One Company's Rupee.

Act I. 1838, Sec. 43, repealed.

III. And it is hereby enacted that Sec. 43 of Act I. of 1838 shall be repealed.

After payment of Duty, Exporter to be entitled to a Certificate.

IV. And it is hereby enacted, that on application by the Exporter from any port of the Presidency of Bombay of any Salt that has paid the Excise duty fixed by Sec. 2 of

this Act, a Certificate shall be granted by the Collector of Customs at the place of Exports, under authority of which Certificate the quantity of Salt specified therein shall be landed at any other port of the said Presidency of Bombay, and shall be passed from such port into the interior under cover of the passes applicable to the free passage of Salt without the levy of any further duty either of Excise or Customs.

Act I. 1838, Sch. A and B partially repealed.

V. And it is hereby enacted, that so much of Schedule A appended to Act I. of 1838 as provides that, on Salt imported by Sea into any port of the Presidency of Bombay and not covered by a Pass, there shall be levied a duty of Eight Annas per maund of 80 tolas per seer, and so much of Schedule B appended to Act I. of 1838 as provides that Salt, having paid the Excise duty of Eight Annas a maund, shall be permitted to be exported free of duty from any port or place in the Presidency of Bombay, shall be repealed.

Import Duty on Salt to be One Rupee per Maund: and duty paid Salt may be re-exported, free.

VI. And it is hereby enacted, that on Salt imported by Sea into any port of the Presidency of Bombay, and not covered by a Pass, there shall be levied a duty of One Company's Rupee per maund of 3,200 tolas weight, and that Salt having paid the Excise duty of One Company's Rupee per maund shall be permitted to be exported free from further duty from any Port of the Presidency of Bombay.

ACT No. XVII. OF 1844.

Repealed by Act VIII. 1853.

ACT No. XVIII. OF 1844.

BENGAL.

1. *Repeals all former enactments respecting the control of Jails.*
2. *Vests the control of Jails in the Magistrates and Joint-Magistrates, under instructions from the Judges and orders from Government.*

An Act for the better control and management of Jails within the Bengal Presidency.

Repeals all former enactments respecting the control of Jails.

I. It is hereby enacted that so much of the provisions of any Regulation of the Bengal Code, or of any Act of the Government of India, as vests the Judges of Circuit, the Commissioners of Circuit, the Superintendents of Police and the Sudder Nizamut Adawlut, with control and superintendence over the several Jails of the Presidency of Fort William in Bengal, the prisoners confined in them, the establishments thereunto belonging, and the places of banishment or transportation of prisoners, is repealed.

Vests the control of Jails in the Magistrates, &c., under instructions and orders.

II. And it is hereby enacted, that the whole of the said control and superintendence shall be vested in the Magistrates and Joint-Magistrates, acting under the instructions of the Zillah and City Judges, and that the Magistrates, Joint Magistrates and Zillah and City Judges, shall be guided in regard to all matters relating to the Jails under their charge, the prisoners confined in them, the establishments thereunto belonging, and the places of banishment or transportation of prisoners, by such orders as they may receive from their respective Local Governments.

BOMBAY.

ACT No. XIX. OF 1844.

Abolishes all taxes on trades and professions.

An Act for abolishing Town Duties and Mookauts, and all Taxes upon Trades and Professions within the Presidency of Bombay.

It is hereby enacted, that from the First day of October, 1844, all Town Duties, Kusub Veeras, Mohturfas, Ballootee Taxes and Cesses of every kind on trades or professions, under whatsoever name levied within the Presidency of Bombay, and not forming a part of the Land Revenue, shall be abolished.

ACT No. XX. OF 1844.

SUPREME COURTS.

1. *Recites Act XIII. of 1840, and sets forth Stat. 5 and 6 Vic. c. 39, as altered by this Act, and extends it to British India.*

Stat. 5 and 6, Vic. c. 39, as altered.

1. *Agent intrusted with goods or documents of title to be deemed the owner so far as to give validity to certain contracts made with him on the security thereof, notwithstanding he may be known to be only an agent.*

2. *Boná fide pledge, &c., by agent in consideration of delivery to him of other goods or documents of title by a person having a lien thereon in respect of a previous advance, to be valid to the same extent in value as the lien.*

3. *Contracts, loans, &c., made boná fide and without notice of agents mala fides, or want of authority to be alone rendered valid. Pledge by agent for antecedent debt due from him, not to be protected. Agent not authorized to deviate from express orders of owner.*

4. *Defines the term (document of title). Agent when to be deemed to have been intrusted with goods. What to be deemed a loan, or advance on the security of goods or documents. Contract may be made with agent directly or with his clerk. What payments may be deemed an advance. Agent in possession to be primâ facie deemed intrusted.*

5. *The civil responsibility of the agent for breach of duty, &c., not to be altered.*

6. *Agent to be liable to transportation for consigning or contracting to consign goods or documents of his principal without authority and for his own benefit, unless such consignment be made as security for a sum not greater than was then due to the agent from his principal. Person knowingly assisting agent in such unlawful act to be liable to same penalty. Conviction not to be evidence against agent in action at Law, and agent's statements under compulsory process not to be used against him at the trial.*

7. *Owner may redeem goods or documents on repayment of the amount of lien, &c. before sale, and after sale, may recover the surplus. In case of agent's bankruptcy the amount paid to redeem the goods may be proved as a debt against the estate.*

8. *Interpretation.*

9. *Antecedent contracts not to be affected by the Act.*

An Act to amend the law relating to advances *bona fide* made to Agents intrusted with goods, by extending to the territories of the East India Company, in cases governed by English Law, the provisions of the Statute 5 and 6 Victoria, c. 39, as altered by this Act.

Recites Act XIII. 1840 and sets forth Stat. 5 and 6 Vic. c. 39, and extends it to British India.

Whereas by Act XIII. of 1840, the provisions of the Statute 4, Geo. IV. c. 83, as altered and amended by the Statute 6, Geo. IV. c. 94, were extended to the territories of the East India Company, in cases governed by English Law; and whereas by the Statute 5 and 6 Victoria, c. 39, the said Statute 6, Geo. IV. c. 94, is altered and amended; and the provisions thereof are extended,

It is hereby enacted, that the Statute 5 and 6, Victoria, c. 39, as altered by this Act, shall, from and after the passing of this Act, be extended to the territories of the East India Company; provided always that this Act, shall not be construed to affect any case which would not have been governed by the Law of England before the passing of the last mentioned Statute, if this Act had not passed, or to extend or alter the jurisdiction of any of Her Majesty's Courts of Justice.

The Statute hereby extended to the territories of the East India Company and as altered by this Act, is as follows:

5 AND 6 VICT. CHAP. XXXIX. AS ALTERED BY THIS ACT.

An Act to amend the law relating to advances *bonâ fide* made to Agents intrusted with Goods.

Whereas by an Act passed in the 6th Year of the Reign of His late Majesty King George the Fourth, intituled an Act to alter and amend an Act for the better protection of the property of Merchants and others who may hereafter enter into contracts or agreements in relation to Goods, Wares and Merchandize intrusted to Factors or Agents, validity is given, under certain circumstances, to contracts or agreements made with persons intrusted with, and in possession of the Documents of Title to Goods and Merchandize, and Consignees, making advances to persons abroad who are intrusted with any goods and merchandize, are entitled, under certain circumstances, to a lien thereon, but under the said Act, and the present state of the law, advances cannot safely be made upon goods or documents to persons known to have possession thereof as Agents only: And whereas by the said Act it is amongst other things further enacted, "that it shall be lawful to and for any person to contract with any Agent intrusted with any Goods, or to whom the same may

be consigned, for the purchase of any such Goods, and to receive the same of and to pay for the same to such Agent, and such contract and payment shall be binding upon and good against the Owner of such goods, notwithstanding such person shall have notice that the person making such contract, or on whose behalf such contract is made, is an Agent; provided such contract or payment be made in the usual and ordinary course of business, and that such person shall not, when such contract is entered into or payment made, have notice that such Agent is not authorized to sell the same, or to receive the said purchase money." And whereas advances on the security of goods or merchandize have become an usual and ordinary course of business, and it is expedient and necessary that reasonable and safe facilities should be afforded thereto, and that the same protection and validity should be extended to *bonâ fide* advances upon goods and merchandize as by the said recited Act is given to sales, and that Owners intrusting Agents with the prossession of goods, or merchandize, or of documents of title thereto, should in all cases where such Owners, by the said recited Act or otherwise, would be bound by a contract or agreement of sale be in like manner bound by any contract or agreement of pledge or lien for any advances *bonâ fide* made on the security thereof. And whereas much litigation has arisen on the construction of the said recited Act, and the same does not extend to protect Exchanges of Securities *bonâ fide* made, and so much uncertainty exists in respect thereof, that it is expedient to alter and amend the same, and to extend the provisions thereof, and to put the law on a clear and certain basis. Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, any Agent who shall thereafter be intrusted with the possession of Goods, or of the Documents of Title to Goods, shall be deemed and taken to be Owner of such goods and documents, so far as to give validity to any contract or agreement by way of pledge, lien, or security *bonâ fide* made by any person with

Agent intrusted with goods or documents of title to be deemed the owner to a certain extent.

such Agent so intrusted as aforesaid, as well for any original Loan, Advance, or Payment made upon the security of such goods or documents, as also for any further or continuing advance in respect thereof, and such contract or agreement shall be binding upon and good against the Owner of such goods, and all other persons interested therein, notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an Agent.

Bona fide pledge, &c., by agent in consideration of delivery to him of other goods or documents of title by a person having a lien thereon in respect of a previous advance to be valid to the same extent in value as the lien.

II. And be it enacted, that, where any such contract or agreement for pledge, lien or security shall be made in consideration of the delivery or transfer to such Agent of any other Goods or Merchandize, or Document of Title or Negotiable Security, upon which the person so delivering up the same had at the time a valid and available lien and security for or in respect of a previous advance, by virtue of some contract or agreement made with such Agent, such contract and agreement, if *bonâ fide* on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an advance within the true intent and meaning of this Act, and shall be as valid and effectual, to all intents and purposes, and to the same extent, as if the consideration for the same had been a *bonâ fide* present advance of money. Provided always, that the lien acquired under such last mentioned contract or agreement upon the Goods or Documents deposited in exchange, shall not exceed the value at the time of the goods and merchandize which, or the Documents of Title to which, or the Negotiable Security which shall be delivered up and exchanged.

Contracts, loans, &c., made without notice of agent's mala fides or want of authority to be alone rendered valid. Pledge by agent for antecedent debt due from him, not to be protected. Agent not to deviate from express orders.

III. Provided always, and be it enacted, that this Act and every matter and thing herein contained, shall be deemed and construed to give validity to such contracts and agreements only, and to protect only such Loans, Advances, and Exchanges, as shall be made *bonâ fide*, and without notice that the Agent making such contracts or agreements as aforesaid has not authority to make the same, or is acting

mala fide in respect thereof against the Owner of such goods and merchandize; and nothing herein contained shall be construed to extend to or protect any lien or pledge for or in respect of any antecedent debt, owing from any Agent to any person with or to whom such lien or pledge shall be given, nor to authorize any Agent intrusted as aforesaid in deviating from any express orders or authority received from the Owner; but that for the purpose and to the intent of protecting all such *bonâ fide* Loans, Advances, and Exchanges, as aforesaid (though made with notice of such Agent not being the Owner, but without any notice of the Agent's acting without authority) and to no further, or other intent or purpose, such contract or agreement as aforesaid shall be binding on the Owner and all other persons interested in such goods.

Defines the term (document of title). Agent when to be deemed to have been intrusted with goods. What to be deemed a loan, or advance on the security of goods, or documents. Contract may be made with agent directly or with his clerk.

IV. And be it enacted, that any Bill of Lading, India Warrant, Dock Warrant, Warehouse-keeper's Certificate, Warrant or order for the delivery of goods, or any other Document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of such Document to transfer or receive goods thereby represented, shall be deemed and taken to be a Document of Title within the meaning of this Act; and any Agent intrusted as aforesaid and possessed of any such Document of Title, whether derived immediately from the Owner of such goods, or obtained by reason of such Agent's having been intrusted with the possession of the goods, or of any other Document of Title thereto, shall be deemed and taken to have been intrusted with the possession of the goods, represented by such Document of Title as aforesaid, and all contracts, pledging or giving a lien upon such Document of Title as aforesaid, shall be deemed and taken to be respectively pledges of and liens upon the goods to which the same relates, and such Agent shall be deemed to be possessed of such Goods or Documents, whether the same shall be in his actual custody, or shall be held by any other person subject to his control, or for him or on his behalf, and where any Loan or Advance shall be *bonâ fide* made to any Agent

intrusted with and in possession of any such Goods or Documents of Title as aforesaid, on the faith of any contract or agreement in writing to consign, deposit, transfer, or deliver such Goods or Documents of Title as aforesaid, and such Goods or Documents of Title shall actually be received by the person making such Loan or Advance, without notice that such Agent was not authorized to make such pledge or security, every such Loan or Advance shall be deemed and taken to be a Loan or Advance on the security of such Goods or Documents of Title within the meaning of this Act, though such Goods or Documents of Title shall not actually be received by the person making such Loan or Advance till the period subsequent thereto: and any contract or agreement, whether made direct with such Agent as aforesaid, or with any Clerk or other person on his behalf, shall be deemed a contract or agreement with such Agent; and any payment made, whether by money or bills of exchange, or other negotiable security, shall be deemed and taken to be an Advance within the meaning of this Act; and an Agent in possession as aforesaid of such Goods or Documents shall be taken, for the purposes of this Act, to have been intrusted therewith by the Owner thereof, unless the contrary can be shown in evidence.

The civil responsibility of the agent not to be altered.

V. Provided always and be it enacted, that nothing herein contained shall lessen, vary, alter or affect the civil responsibility of an Agent for any breach of duty or contract, or non-fulfilment of his orders or authority in respect of any such contract, agreement, lien, or pledge as aforesaid.

Agent to be liable to transportation for consigning, &c., goods, &c., without authority and for his own benefit, unless as security for a sum not greater than was then due to the agent from his principal. Person abetting agent to be liable to same Penalty.

VI. Provided always and be it enacted, that, if any Agent intrusted as aforesaid shall, contrary to or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer, or delivery of any Goods or Documents of Title so intrusted to him as aforesaid, as and by way of a pledge, lien, or security; or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any Advance on the faith of any contract or agreement to consign,

deposit, transfer, or deliver such Goods or Documents of Title as aforesaid, every such Agent shall be deemed guilty of a misdemeanor, and, being convicted thereof, shall be sentenced to transportation for any term not exceeding fourteen years, nor less than seven years, or to suffer such other punishment by fine or imprisonment, or by both, as the Court shall award; and every Clerk or other person, who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer, or delivery, or in accepting or procuring such Advance as aforesaid, shall be deemed guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to any of the punishments which the Court shall award, as hereinbefore last mentioned. Provided nevertheless, that no such Agent shall be liable to any prosecution for consigning, depositing, transferring, or delivering any such Goods or Documents of Title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount, which, at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such Agent from his Principal, together with the amount of any Bills of Exchange drawn by or on account of such Principal, and accepted by such Agent. Provided also, that the conviction of any such Agent, so convicted as aforesaid, shall not be received in evidence in any action at Law or suit in Equity against him, and no Agent intrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act, on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Bankrupt or of any Insolvent Court.

Owner may redeem goods or documents on repayment of the amount of lien, &c., before sale.

VII. Provided also, and be it enacted, that nothing herein contained shall prevent such Owner as aforesaid from having the right to redeem such Goods or Documents of Title,

and after sale, may recover the surplus. In case of agent's bankruptcy, the amount paid may be proved as a debt against the estate.

pledged as aforesaid, at any time before such Goods shall have been sold, upon re-payment of the amount of the lien thereon, or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such Agent, if by him required, of any sum of money for or in respect of which such Agent would by law be entitled to retain the Goods or Documents, or any of them, by way of lien as against such Owner, or to prevent the said Owner from recovering of and from such persons with whom any such Goods or Documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such Goods, after deducting the amount of the lien of such person under such contract or agreement as aforesaid. Provided always, that, in case of the Bankruptcy or Insolvency of any such Agent, the Owner of the goods which shall have been so redeemed by such Owner as aforesaid shall, in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum for the use of such Agent before his Bankruptcy or Insolvency, or in case the goods shall not be so redeemed, the Owner shall be deemed a creditor of such Agent for the value of the goods so pledged at the time of the pledge, and shall, if he shall think fit, be entitled, in either of such cases, to prove for or set off the sum so paid, or the value of such goods, as the case may be.

Interpretation.

VIII. And be it enacted, that in construing this Act the word "Person" shall be taken to designate a Body Corporate or Company as well as an Individual, and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and *vice versa*, and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male.

Antecedent contracts not to be affected by the Act.

IX. Provided also, and be it enacted, that nothing herein contained shall be construed to give validity to or in any wise to affect any contract, agreement, lien, pledge, or other act, matter, or thing made or done before the passing of this Act.

ACT No. XXI. OF 1844.*

1. *Partially repeals Act XIV. of* 1839.

2. *Laborers, natives of India, to be allowed to emigrate to Jamaica, British Guiana, and Trinidad from Calcutta, Madras and Bombay.*

3. *Presidency Governments may appoint as Emigration Agents at each port the nominees of the Colonial Governments. Agents to report monthly.*

4. *Presidency Governments may nominate a Protector of Emigrants at each port.*

6. *No Vessel to carry emigrants without license, but granting of license to be discretionary. Fee to be not more than one rupee per emigrant. Master to enter into a bond in duplicate to conform to the conditions of this Act.*

6. *Emigrant laborer not to be received on board without a pass from the Agent countersigned by the Protector.*

7. *Emigrant Vessel not to obtain Port Clearance without Certificate from the Emigration Agent.*

8. *The probable lengths of voyages from the three ports to the three Colonies; Emigrant Vessel to sail only between 30th September and 1st March.*

9. *Before Port Clearance granted, Master to deliver to the Emigration Agent a list of the emigrants on board and obtain from him a counterpart.*

10. *Penalty of Rs.* 200 *per emigrant on Master of Emigrant Vessel clearing out without previous compliance with requirements of this Act.*

11. *Penalty of Rs.* 500 *for every emigrant taken on board and not entered in list and counterpart.*

12. *Penalty of Rs.* 5,000 *besides forfeiture of bond, for doing or allowing any fraudulent act whereby the certificate becomes inapplicable.*

13. *Officers of Customs to have same powers of search and detention for prevention of the illegal embarkation of emigrants as for prevention of smuggling, and Pilots to have the same powers as Preventive Officers.*

14. *Penalty of Rs.* 500 *or imprisonment for six months, for exporting any native contrary to the provisions of this Act.*

15. *Customs Officer to countersign each emigrant's pass and to keep a register of emigrants on board, and not to leave the Vessel till after muster made in his presence and that of the Pilot. Pilot may afterwards require a general muster. Customs Officer and Pilot both to report without delay to the Emigration Agent. Penalty of Rs.* 500 *for false report or connivance.*

16. *Penalty for forgery of documents required by this Act, imprisonment for seven years.*

* A[illegible] II. 1860 is rendered applicable to voyages under this Act.

17. *Penalties to be enforced by information or by putting in suit the Master's Bond.*

Schedule 1. *Nomination of Emigration Agents.* 2. *Remuneration to be by salary.* 3. *Duties.* 4. *Proportion of passengers to tonnage, height between decks.* 5. *Children how to be reckoned.* 6. *Provisions.* 7. *Provisions and water to be surveyed before clearance.* 8. *Provisions to be supplied for forty-eight hours after arrival.* 9. *Copies of regulations.* 10. *List of Emigrants to be delivered to Agent and counterpart to Protector.* 11. *Admiralty Vessels and Ships of war excepted from the Act.*

An Act for regulating the Emigration of the Native Inhabitants of the territories under the government of the East India Company to Jamaica, British Guiana and Trinidad.

Partially repeals Act XIV. of 1839.

I. It is hereby enacted, that Act No. XIV. of 1839, and all Acts repealed thereby, so far as the same are applicable to the Emigration of Natives from the ports of Calcutta, Madras and Bombay respectively, to Jamaica, British Guiana, and Trinidad, are repealed. Provided always that the aforesaid Act No. XIV. of 1839, shall remain in full force in all the ports of India, except the ports aforesaid, and in regard to Emigrants from India proceeding to other places than Jamaica, British Guiana, Trinidad *and Mauritius.**

Emigration to be allowed to Jamaica, British Guiana, and Trinidad from Calcutta, Madras and Bombay.

II. And it is hereby enacted, that, after the passing of this Act, Emigrant Labourers, being Native inhabitants of the territories under the government of the East India Company, shall be allowed to pass and to be conveyed to Jamaica, British Guiana, and Trinidad respectively, from the ports of Calcutta, Madras and Bombay respectively, but not otherwise.

Government may appoint Emigration Agents at each port. Agents to report monthly.

III. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated, to authorize such persons as may be nominated by the Governments of Jamaica, British Guiana or Trinidad, to act as Emigration Agents at

* See Acts VIII. of 1857 and IV. of 1852 by which respectively emigration to the Mauritius is permitted under Act XV. of 1842, from the ports of Madras and Bombay as well as from that of Calcutta. By Act XLIX. of 1860, this Act is to be taken to refer to Act XV. 1842, as amended thereby as to supply of water.

the aforesaid ports respectively, and to exercise the powers conferred on Emigration Agents by this Act, and every such Emigration Agent shall make monthly Reports to the Government, to which he is subordinate, of all matters transacted by him in pursuance of this Act.

Government may nominate a Protector of Emigrants at each port.

IV. And it is hereby enacted, that at each of the three ports aforesaid, it shall be lawful for the Government of the Presidency within which the port is situated to nominate a proper person to act as Protector of Emigrants at the aforesaid ports respectively.

No Vessel to carry emigrants without license. Fee to be not more than one rupee per emigrant. Master to enter into a Bond in duplicate to conform to the conditions of this Act.

V. And it is hereby enacted, that it shall not be lawful to convey any Emigrant, being a Native of India, who may embark for the purpose of laboring for hire in any of the Colonies of Jamaica, British Guiana or Trinidad from any of the ports aforesaid in any ship or vessel, unless a License be obtained for carrying Emigrants in such ship or vessel from the Government of the Presidency in which the port is situated. A fee, not exceeding One Rupee per Emigrant, as may be regulated from time to time by the local Government, shall be demandable in respect of every such License, which fee shall be carried to the credit of the said Government, and the granting or withholding any such License shall be entirely discretionary with the Government, and in consideration of such license the Master of every ship conveying or destined to convey Emigrants from India, shall execute a Bond binding himself and his owners in a penal sum of 10,000 Rs. to conform to the several conditions herein provided, and the said Bond shall be executed in duplicate, that it may be put in suit either at the place of execution or in the Colony to which the Emigrants are to be conveyed, and one copy shall be forwarded to the Government of such Colony, to be dealt with as the case may require. And every ship or vessel in which any such Emigrant shall be conveyed without a License being obtained as aforesaid, shall be liable to be forfeited, and the Master thereof shall be liable, as for a misdemeanor, in a fine of 1,000 Rupees for every such Emigrant so illegally conveyed.

Emigrant to be received on board without a Pass countersigned.

VI. And it is hereby enacted, that it shall not be lawful for the Master of any vessel licensed as above to receive on board any Emigrant laborer, as above provided, unless such laborer shall have in his possession and show a Certificate or Pass, to be given to him by the Emigration Agent of the port, countersigned by the Protector, stating his name, and the name of his father and his age, and certifying that having appeared before such Agent, he has declared his willingness to proceed to work for hire in the Colony to which such vessel is bound, and has been engaged by him as an Emigrant to such Colony on the part of the Government thereof.

Emigrant Vessel not to obtain Clearance without Certificate.

VII. And it is hereby enacted, that before any ship or vessel, so licensed to carry Emigrant laborers as above provided, shall be cleared out from any of the aforesaid Ports for any one of the three Colonies aforesaid, it shall be necessary for the Master of such ship or vessel, provided any Emigrant of the description aforesaid shall embark therein, to obtain from the Emigration Agent so nominated and authorized at such port as aforesaid, a certificate under the hand of such Agent to the effect following, that is to say—

1st.—That such Agent has, by personal communication, done what is required on the part of such Agent by the 3rd Article of the Schedule hereunto annexed; provided always, that every such Agent shall make the inquiries specified in such Schedule in an open Court or public office to which all persons shall have admission.

2dly.—That all the directions contained in the 4th, 5th, 6th and 7th Articles of the said Schedule for ensuring the health and safety of passengers have been duly complied with.

3rdly.—That (in addition to the directions contained in the said Schedule) such rules have been complied with, as the Governor-General in Council shall from time to time frame, touching the medical attendance and medical stores and the proper clothing to be provided, the species of provisions suited to Native habits, the number of women that should accompany the Emigrants, or other matters.

VIII. And it is hereby enacted, that the probable lengths of the voyages to Jamaica, British Guiana and Trinidad from the Ports aforesaid respectively shall, for the purposes of this Act, be deemed to be—

The probable lengths of voyages; Emigrant Vessel to sail only between 30th September and 1st March.

For the Port of Calcutta, twenty weeks;
For the Port of Madras, nineteen weeks;
For the Port of Bombay, nineteen weeks;

and that no ship or vessel carrying Emigrant laborers to Jamaica, British Guiana, or Trinidad shall sail from *Calcutta*, *Madras* or Bombay, at any other time than between the *30th day of any September* and the 1st of March next thereafter ensuing.*

IX. And it is hereby enacted, that, before any ship or vessel shall be cleared out from any of the aforesaid ports for Jamaica, British Guiana or Trinidad, it shall be necessary for the Master thereof to deliver to the Emigration Agent, so nominated and authorized at such port as aforesaid, the list specified in Article 10 of the said Schedule, and to obtain such duplicate thereof as is required by the said Article.

Before Clearance, Master to deliver to the Agent a list of emigrants on board and obtain from him a counterpart.

X. And it is hereby enacted, that if the Master of any ship or vessel shall, at any of the ports aforesaid, take on board such ship or vessel any Emigrant laborer of the description aforesaid, and shall clear such ship or vessel for Jamaica, British Guiana or Trinidad, without having fully complied with every particular hereinbefore required previous to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty of 200 Rupees for every Emigrant laborer so taken on board his ship or vessel.

Penalty on Master, clearing out without previous compliance with requirements of this Act.

XI. And it is hereby enacted, that if the Master of any ship or vessel shall, after having cleared such ship or vessel at any such port as aforesaid for Jamaica, British Guiana or

Penalty of Rs. 500 for every emigrant not entered in list and counterpart.

* Repealed, as to Emigrant Vessels sailing from Madras, by Act XXV. 1845, Sec. 2, and as to Emigrant Vessels sailing from Calcutta by Act IV. 1852, Sec. 2. The 31st August is substituted in each case for the 30th September.

Trinidad, take on board any such Emigrant laborer as aforesaid, without having entered such Emigrant laborer in such list as aforesaid, or without having obtained such duplicate as aforesaid, containing the entry of such Emigrant prior to clearance, he shall be liable, on conviction before any Magistrate or Justice of the Peace, in a penalty not exceeding 500 Rupees for every Emigrant so taken on board his ship or vessel.

Penalty for doing or allowing any fraudulent act whereby the certificate becomes inapplicable.

XII. And it is hereby enacted, that if any Master of any ship or vessel cleared for Jamaica, British Guiana or Trinidad as aforesaid shall, after having obtained such Certificate as aforesaid, fraudulently do or suffer to be done any act or thing whereby such Certificate shall become inapplicable to the altered state of the ship or vessel, its passengers or other matters to which such Certificate relates, such Master shall be liable on conviction in any penalty not exceeding 5000 Rupees, beside incurring a forfeiture of any Bond executed in consideration of any license obtained for the vessel as originally described.

Powers of search and detention for prevention of the illegal embarkation of Emigrants.

XIII. And it is hereby enacted, for the greater security against Emigrant laborers being embarked for Jamaica, British Guiana or Trinidad, contrary to the provisions of this Act, that all the powers vested by law in the Officers of Customs in regard to the searching and detention of Ships or Vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such officers for the prevention of the illegal embarkation of such Emigrants as aforesaid on board ships or vessels bound for Jamaica, British Guiana or Trinidad, and of other offences against this Act; and it is further enacted, that all Pilots in the service of the East India Company shall be invested with the same powers and be charged with the same duties as Preventive Officers of Customs in this behalf.

Penalty for exporting any native contrary to the provisions of this Act.

XIV. And it is hereby enacted, that every person who shall attempt, by means of intoxication or by false imprisonment, or other means of crimping, to export any Native on board any ship or vessel contrary to the provisions of this

Act, shall be liable to be punished, on conviction before a Magistrate, in a fine not exceeding 500 Rupees, or imprisonment not exceeding six months; Provided, that nothing in this Act contained shall prevent the offender from being proceeded against by indictment, but the offender shall only be liable to one of these courses of proceeding.

Customs Officer to countersign each Pass and to keep a register of Emigrants on board, and not to leave the vessel till after muster made in his presence, and that of the Pilot. Customs Officer and Pilot both to report to the Agent. Penalty for false report or connivance.

XV. And it is hereby enacted, that whenever a vessel shall clear from Calcutta for Jamaica, British Guiana or Trinidad with Emigrant laborers duly embarked thereon, the Customs Officer on board such vessel shall countersign the Pass or Certificate brought on board such vessel by every such Emigrant laborer, and shall keep a Register of every such Emigrant laborer as may come on board. And such Customs Officer shall remain on board such vessel until she shall arrive in Saugor Roads, and shall not come away until muster of the Crew and Passengers and Emigrant laborers has been made in his presence, and in that of the Pilot in charge of the vessel; and after the Customs Officer has taken muster and quitted the Vessel, the Pilot shall continue to exercise the duties indicated in Section XIII. of this Act; and it shall be lawful for him, if he shall deem it necessary, to require the Master or Commander to take a general muster of the Crew and Passengers and Emigrant laborers on board and to sign a muster roll so taken, and every such Custom House Officer and Pilot shall make a complete Report of the Emigrant laborers on board of any ship at the time of his quitting the same, and such report shall contain a declaration that, to the best of the declarant's belief, no additional Emigrant laborers have been received on board since obtaining the Certificate, and that nothing else has been done or omitted to be done in the ship or vessel contrary to the provisions of this Act; and every such report or muster, if any, shall be transmitted without delay to the Emigration Agent of the Port. And any Custom House Officer or Pilot who shall wilfully make a false, erroneous or incomplete Report of the Emigrant laborers on board of any ship, or who shall connive at the unauthorized embarkation of any such Emigrant laborers, shall be liable, besides dismissal,

to a fine of 500 Rupees, commutable, if not paid, to imprisonment in the Calcutta Jail for six months, and the penalty shall be adjudged in like manner as similar penalties are adjudged for offences committed in respect to the Customs Revenue.

Penalty for forgery of documents required by this Act.

XVI. And it is hereby enacted, that if any person shall forge, or shall use, knowing it to be forged, any document required by this Act, such person shall be liable to be imprisoned for any period not exceeding seven years.

Penalties to be enforced by information or by putting in suit the Master's Bond.

XVII. And it is hereby enacted, that all the several penalties to which the Masters of ships or vessels are liable by this Act, shall be enforced by information laid before any Justice of the Peace at the instance of the Emigration Agent, or of any officer appointed for the purpose, by the Government of the place or Presidency, or may be enforced by putting in suit the Bond given by the Master, if such Bond has been given in consideration of the license granted to the Ship.

SCHEDULE.

Nomination of Emigration Agents.

1.—The Governors of Jamaica, British Guiana and Trinidad may from time to time nominate such persons as they shall see fit, to act as Emigration Agents at Calcutta, Madras and Bombay.

Remuneration to be by salary.

2.—The remuneration to be given to any such Agent in India shall not depend upon or be regulated by the number of the Emigrants sent by him, but shall be in the nature of an annual Salary.

Duties.

3.—Every such Emigration Agent shall ascertain, by personal communication with every Emigrant previously to his or her embarkation from the port, or place for which such Agent shall have been appointed, that such Emigrant has not been induced to emigrate by any fraud, or false or unreasonable expectation, and is aware of the distance of the Colony to which he or she is about to emigrate, from the place where he or she is about to embark; and such Agent shall explain the real advantages likely to be derived by such Emigrant from a

removal to such Colony, at the same time cautioning such Emigrant against unreasonable and unwarrantable expectations; and such Agent shall also ascertain that every such Emigrant is in good health, and not incapacitated from labor by old age, bodily infirmity, or disease.

Proportion of passengers to tonnage. Height between decks.

4.—It shall not be lawful to ship on board of any ship or vessel, carrying Emigrants from India to any of the Colonies aforesaid, any number of passengers exceeding the proportion of one person for every two tons of the registered burthen of such ship or vessel, and no such ship or vessel carrying Emigrants, and having more than one deck, shall have less than the height of six feet at the least between decks; and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck, and in such manner as to afford a space of the height of six feet at the least, and that such platform shall not be so laid as that the lower beams shall project above the same, and that no such ship or vessel shall have more than two tiers of berths; and that no such ship or vessel shall carry Passengers on any such voyage to any of the Colonies aforesaid, unless there shall be an interval of six inches at least between the deck or platform and the floor of the lower tier throughout the whole extent thereof; and, whatever may be the tonnage of the ship or vessel, no greater number of Passengers shall be taken on board of such ship or vessel than shall be after the rate of one such person for every twelve superficial feet of the lower deck or platform unoccupied by goods or stores, not being the personal luggage of such person.

Children how to be reckoned.

5.—In the computation of the number of Passengers within the meaning of these Regulations, two Children under the age of ten years shall be considered as equal to, and shall be reckoned as, one person only.

Provisions.

6.—There shall be actually laden on board of every ship or vessel, conveying Emigrants into any of the Colonies aforesaid, at the time of departure of such ship or vessel from the port or place at which such laborers shall be embarked, good and wholesome provisions for the use and consumption of the said Passengers, over and above the victualling of the Crew,

to the amount or in the proportion following, that is to say—a supply of water to the amount of five gallons for every week of the computed voyage for every Passenger on board such ship or vessel, such water being carried in tanks or sweet casks, and a supply of rice, bread, biscuit, flour, oatmeal, or bread stuffs to the amount of seven pounds weight to every week of the computed voyage, for every such Passenger; Provided always, that, when any such ship or vessel shall be destined to call at a port or place in the course of her voyage, for the purpose of filling up her water casks, a supply of water, at the rate before mentioned, for every week of an average voyage to such port or place of calling, shall be deemed to be a compliance with this Regulation, and provided that the preceding Regulation regarding food shall be deemed to have been complied with in any case when it shall be made to appear, that, by the special authority of the Governor-General of India in Council, any other articles of food were substituted for the articles above enumerated, as being in his judgment equivalent thereto.

Provisions and water to be surveyed before clearance.

7.—Before any such ship or vessel shall be cleared out on any such voyage, the Agent appointed for the port or place from which such ship or vessel shall be cleared out, shall survey or cause to be surveyed by some competent person, the provisions and water hereinbefore required to be on board for the consumption of Passengers, and shall ascertain that the same are in good and sweet condition, and also that over and above the same there is on board an ample supply of water and stores for the victualling of the Crew of the ship or vessel, and shall also ascertain that such ship or vessel is generally reputed sea-worthy, and that the directions hereinbefore contained for ensuring the health and safety of the Passengers have been complied with, and shall grant a certificate thereof under his hand to the Master of such ship or vessel.

Provisions to be supplied for forty-eight hours after arrival.

8.—The Master of every ship or vessel conveying Emigrants to Jamaica, British Guiana or Trinidad shall be bound to provide for and furnish to every such Emigrant, and his wife and children, a sufficient quantity of good and wholesome Provisions for his, her and their daily maintenance during such

voyage and during the space of 48 hours next after the arrival of such ship or vessel at the place of destination.

9.—Two copies of these Regulations, authenticated by the signature of the Agent at the port or place at which such Emigrants shall embark, shall be delivered to the Master by such Agent on demand at the time of clearance, and shall be kept on board of every ship or vessel carrying such Emigrants as aforesaid, and one of such copies shall, upon request made at reasonable times to the Master of the ship or vessel, be produced to any Passenger for his perusal.

Copies of regulations.

10.—The Master of every ship or vessel carrying Emigrants from India to any of the three Colonies aforesaid, shall, before clearing out such ship or vessel, deliver to such Agent at the port or place from which such vessel is cleared out a list in writing, together with a duplicate of the same, specifying as accurately as may be, the names, ages and occupation of all and every the Emigrants on board such ship or vessel, and such Agent shall thereupon deliver to the said Master the counterpart of such lists, signed by such Agent, and the said Master shall on the arrival of such ship or vessel at the place of destination, and previous to the disembarkation of any such Emigrants, give notice of the arrival of such ship or vessel, and deliver the said counterpart of such list to the Protector of Emigrants appointed, or to be appointed, at the Colony at which the said Ship or Vessel may have arrived.

List of Emigrants to be delivered to Agent and counterpart to Protector.

11.—Provided always, that nothing in these Regulations contained shall apply to any ship or vessel in the service of the Lords Commissioners of the Admiralty, or to any of Her Majesty's Ships of War.

Admiralty Vessels and Ships of war excepted.

ACT No. XXII. OF 1844.

Repealed by Act XIII. 1862.

ACT No. I. OF 1845.

Repealed by Act XI. 1859.

ACT No. II. OF 1845.

Repealed by Act XVII. 1862.

ACT No. III. OF 1845.

Repealed by Act X. 1861.

ACT No. IV. OF 1845.

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1. *Deeds may be registered in any Registry Office in Bengal*
2. *When a deed is registered in a district in which the property is not situate, the Registrar shall forward a copy to the Registry Office of the district where the property is situate.*
3. *Usual fee to be paid for such copy.*
4. *Memorial of deed to be held duly registered as to property in any one district when registered in that district.*

An Act to amend the Law regarding the Registration of Deeds.

Deeds may be registered in any Registry Office in Bengal.

I. It is hereby enacted, that from and after the passing of this Act, Deeds may be registered in any Registry Office within the Presidency of Fort William in Bengal, whether such office be in the district where the property or any part thereof to which such Deeds relate, is situated, or not.

Registrar of other district to send a copy of the registered Deed to the office of the district where the property is situate.

II. Provided always, and it is hereby enacted, that when the Registry Office in which a Deed is registered is in a district in which the whole of the property to which such Deed relates is not situated, it shall be the duty of the Register of the said Office to forward to the office of the district or districts in which the whole or any part of such property is situated, a copy of the Deed as registered and endorsed in his

office, the said copies to be furnished and attested as prescribed in Clause First, Section 2, Regulation XX. 1812, and the Register of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

Usual fees to be paid for each copy.

III. And it is hereby enacted, that, for every such copy required for transmission to any office as aforesaid, the party registering shall pay the usual fee, and the Register receiving the same shall duly account for the same to the several Registers, to whose offices copies may be transmitted for registry.

Memorial when to be held duly registered as to part of property.

IV. And it is hereby enacted, that a memorial of any Deed shall be held to be duly registered according to law, in respect to any property which may be situated in any one District, as soon as the original Deed or a copy thereof (as the case may be) shall have been registered in manner aforesaid in the Registry Office of such District, whether or not a copy thereof have been registered in all or any of the other Districts, in which the property to which the Deed relates may be situated.

ACT No. V. OF 1815.

BENGAL.

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1. *Reg XI 1826, Sec 2 repealed*
2. *Any person who has successfully passed examination, &c., may be appointed Hindoo or Mahomedan Law Officer.*

An Act concerning the Examination and Appointment of Hindoo and Mahomedan Law Officers.

I. It is hereby enacted, that Section 5, Regulation XI. of 1826 of the Bengal Code, be repealed.

II. And it is hereby enacted, that, from and after the passing of this Act, any person may be appointed to be a Hindoo or Mahomedan Law Officer in any of the Courts of Justice

under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe.

GENERAL

ACT No. VI. OF 1815.

Recites the inconvenience of issuing a new Commission of the Peace, whenever a new J. P. is appointed. Enacts that Supreme Courts shall, upon the order of Presidency Government, issue in Her Majesty's name separate commissions supplementary to General Commission to any persons not named in General Commission.

An Act to amend the Law regarding the issue of Commissions of the Peace.

Whereas it is inconvenient to issue a new General Commission of the Peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras or Bombay shall nominate and appoint any persons not named in the General Commission last issued to act as Justices of the Peace—It is hereby enacted, that the Supreme Court of Judicature of each of the said Presidencies shall and may, from time to time, upon the order or warrant of the Executive Government of such Presidency, issue separate Commissions to any persons not named in the General Commission of the Peace last issued, who by law are capable of being appointed to the office of Justices of the Peace, and who shall be nominated and appointed by such Executive Government to act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town. And all such Commissions shall be issued in the name of the Queen's Majesty, her Heirs and Successors, under the Seal of the Supreme Court, and tested in the name of the Chief Justice of such Court, and shall be filed of record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as supplementary to the General Commission of the Peace last issued, which shall remain in full force.

ACT No VII. OF 1845

BENGAL. N W P.

1 *The Lieutenant-Governor may declare this Act applicable to any Canal*

2 *And make rules for levy of water rent, and supply of water for irrigation and payment of tolls for navigation*

3 *Act done in contravention of such rules how to be punished*

4 *Balances of water rent how to be recovered*

5 *Penalties for wilfully obstructing Canals or damaging their banks or works or defiling the water*

6 *Penalty for offences against this Act or the rules passed under it, simple imprisonment for [illegible] days [illegible] of Rs 15 [illegible] both*

7 *On refusal to pay tolls [illegible] ten days sold or confiscated [illegible] Commissioner*

8 *The Lieutenant Governor may appoint Officers for the collection of rents and tolls with powers of Deputy Collectors and Joint Magistrates*

An Act for regulating the Levy of Water Rent Tolls and dues on certain Canals for irrigation and navigation constructed by Government in the North Western Provinces and for the protection of the said Canals from injury

Whereas numerous Canals have been constructed, and are in progress of construction, at the public expense in the North-Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation, so far as may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls or dues, on such Canals, and to provide for their protection from injury—

I. It is hereby enacted that the Lieutenant-Governor of the North-Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the Provisions of this Act applicable to any such Canal

The Lieutenant-Governor may declare this Act applicable to any Canal

And it is hereby enacted that the said Lieutenant Governor of the North-Western Provinces shall be competent to draw out rules to regulate the levy of water rent, and the supply of water for irrigation, and the payment of tolls and

And make rules for levy of water rent, and supply of water for irrigation, and payment of tolls for navigation

dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

Contravention of such rules how to be punished.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

Balances of water rent how to be recovered.

IV. And it is hereby enacted, that all balances of water rent, due for lands irrigated by the Canal, shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

Penalties for wilfully obstructing Canals, &c.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water courses drawn and supplied therefrom, or damages the banks of the Canal, or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

Penalty for offences against this Act, or the rules passed under it.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be punishable on conviction before the Magistrate by imprisonment without labor for a term not exceeding fourteen days, or fine to an amount not exceeding Fifty Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

On refusal to pay tolls, the boat, &c., may be detained and after ten days sold, or confiscated.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of tolls on the Canal, to detain such boat, raft, or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer, under the direction of the Superintendent of the Canal, on the 10th day after the

seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division, and his sanction obtained thereto.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant-Governor of the North-Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officers the powers of Deputy Collectors for the levy of such rent, and of Joint-Magistrates for the enforcement of such penalties as have been hereinbefore specified.

The Lieutenant-Governor may appoint Collectors of rents and tolls with certain powers.

ACT No. VIII. OF 1845.

Repealed by Act X 1861.

ACT No. IX. OF 1845.*

GENERAL.

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1. *Repeals so much of Schedules A to Act XIV 1836, Act I 1838, and Act VI. 1844, respectively, as relates to goods specified.*
2. *Schedule annexed to this Act to be substituted for said Schedules.*
3. *Repeals Act XV. 1844.*

An Act for amending the Schedules of Import Duties, annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844.

I. It is hereby enacted, that from and after the First day of June, 1845, so much of Schedule A. annexed to Act XIV. of 1836, so much of Schedule A. annexed to Act I. of 1838, and so much of Schedule A. annexed to Act VI. of 1844, as relates to the rates of Duty to be charged on the Goods next hereinafter specified, be repealed.

* Repealed by Act I 1852, so far as it relates to the Bombay Presidency, except so far as it repeals any other Act.

Marine Stores, the produce or manufacture of the United Kingdom, or of any British Possession.

Marine Stores, the produce of any other place or country.

Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession.

Metals, wrought or unwrought, excepting Tin, the manufacture of any other place.

Woollens, the produce or manufacture of the United Kingdom or of any British Possession.

Woollens, the produce of any other place or country.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of any other place.

Wines and Liqueurs.

Spirits.

All manufactured Articles, not included in the enumeration contained in the said Schedules.

II. And it is hereby enacted, that from and after the said First day of June, 1845, all the provisions of the three above mentioned Acts which have reference to so much of the Schedules A. to those Acts respectively annexed as is repealed by this Act, shall from and after the said day be taken to have reference to the Schedule* annexed to this Act, as if the Schedule annexed to this Act had been part of each of the Schedules A. above mentioned.

III. And it is hereby enacted, that Act XV. of 1844, intituled an Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, be repealed.

ACT No. X. OF 1845.

Repealed by Act XVII. 1862.

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* See Act VII. of 1859, by which the Schedule to this Act is entirely repealed.

ACT No. XI. OF 1815.

Repealed by Act XXIV 1858.

ACT No. XII. OF 1815.

BOMBAY.

Sudder Court may assign to Uncovenanted Assistant Register any duties at present performed by Register.

An Act for authorizing the employment of the Uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.

It is hereby enacted, that it shall be competent to the Court of Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay to assign to the office of uncovenanted Assistant Register to the Court any duties at present performed by the Register.

ACT No. XIII. OF 1815.

BOMBAY.

Supreme Court of Bombay may admit as Attornies capable persons not admitted as Attornies in H. M.'s Courts at Westminster.

An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as Attornies of the said Court.

Whereas the Supreme Court of Judicature at Madras is, by Her Majesty's Charter, authorized and empowered to admit and enrol such persons having been admitted Attornies or Solicitors in one of Her Majesty's Courts at Westminster, or being otherwise capable to act in the character of Attornies in the said Court:

And whereas the Supreme Court of Judicature at Bombay is, by Her Majesty's Charter, authorized and empowered to admit and enrol only such persons having been admitted Attornies or Solicitors in one of Her Majesty's Courts at

Westminster to act in the character of Attornies of the said Court, and is not by the said Charter authorized and empowered to admit and enrol persons otherwise capable, to act in the character aforesaid :

And whereas it is expedient that the Supreme Court of Judicature at Bombay should have as large a discretion in regard to the persons to be admitted as Attornies as the Supreme Court of Judicature at Madras :

It is therefore hereby enacted, that, from and after the passing of this Act, the Supreme Court of Judicature at Bombay is authorized and empowered to admit and enrol persons having been admitted as Attornies in any of Her Majesty's Courts at Westminster and also persons, being otherwise capable, to act as Attornies of the said Supreme Court of Bombay.

BENGAL.

ACT No. XIV. OF 1815.

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1 *Repeals so much of Reg. VII 1832, Sec 5, as assigns to Moonsiffs, duties performed in Judge's Court by Nazir, &c*

2 *Moonsiffs shall retain on their establishment Nazirs, to whom Reg. XXVI 1814 Sec. 11, Cl. 8 shall apply.*

An Act to provide for the appointment of Nazirs in the Moonsiff's Courts.

I. It is hereby enacted, that so much of Clause 4, Section 5, Regulation VII. of 1832 of the Bengal Code, as enacts that certain duties assigned to the Nazir of the Judge's Court shall in the Moonsiff's Courts be performed by the Moonsiffs themselves, and that the Tullubanah levied in the Moonsiff's Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the territories subject to the Presidency of Fort William in Bengal, the Moonsiffs shall, from and after the passing of this Act, retain on their establishments Nazirs, to whom the provisions of Clause 8, Section 11, Regulation XXVI. of 1814 of the said Code shall be applicable.

ACT No. XV. OF 1845.

1—5. *Repealed by Act X. 1861.*

6, 7. *Enlarge the time within which Native Officer, &c., may lodge his complaint under Act IV. 1840, from one month to such period as Magistrate may consider reasonable.*

An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.

I—V. *Repealed by Act X. 1861.*

VI. And whereas by Section 4, of Act IV. of 1840 it is enacted, that if any party shall complain to a Magistrate, or other officer exercising the powers of a Magistrate, that he has been without authority of law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops or other produce of Land, within the jurisdiction of such Magistrate or other officer as aforesaid, whether the same were possessed by such party, as proprietor, dependant Talookdar, Farmer, Under-Farmer, Ryot, or otherwise, the Magistrate or other officer as aforesaid shall require the parties complained against, and any other parties concerned, to appear and make defence, in person or by agent, within a reasonable time; and if, after the examination of the necessary witnesses and documents, the complaint appears to him to be substantiated, he shall record a proceeding, ordering the party complaining to be put again into possession of the subject of dispute, and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed, unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession:

And whereas it is just that, when the party complaining is a Native Officer or Soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim:

It is therefore hereby enacted, that so much of the above recited Section of Act IV. of 1840, as provides that no such

Act IV. 1840, S. 4, repealed as to Native Officers and Soldiers

order as is therein mentioned shall be passed, unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed, so far as regards complaints preferred by Native Officers or Soldiers.

Native Officer and Soldier may complain in reasonable time.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited Section of Act IV. of 1810 shall be passed, when the party complaining of having been dispossessed is a Native Officer or Soldier, unless such party prefer his claim within such period as may be considered by the Magistrate reasonable, with reference to the distance of the party, and the difficulty of communication.

ACT No. XVI. OF 1845.

Repealed by Act X of 1861

ACT No. XVII. OF 1845.

Repealed by Act X. 1861.

ACT No. XVIII. OF 1845.

Repealed by Act XVII. 1862.

ACT No. XIX. OF 1845.

Expired.

ACT No. XX. OF 1845.

Repealed by Act XIX. 1847.

ACT No. XXI. OF 1845.

BENGAL and MADRAS.

1. *Government of India may remove from jurisdiction of Commissioner of Tributary Mehals in Cuttack certain Tributary Estates, and place them under the Agent for suppression of Meriah Sacrifices.*

2. *Similar enactment as to the tracts of country under the jurisdiction of the Agent to the Governor-General, South-West Frontier.*

3. *Similar enactment as to parts of Ganjam and Vizagapatam specified in Act XXIV.* 1839, *Sec.* 2.

4. *Similar enactment as to Zillah Rajahmundry.*

5. *Agents for suppression of Meriah Sacrifices, and their subordinates, to be guided by instructions from the Government of India through the Local Government.*

6. *Government of India may prescribe rules for the guidance of such Agents, and may define their authority and determine in what suits an appeal shall lie from their decisions.*

An Act respecting the appointment and powers of Agent for the suppression of Meriah Sacrifices in the Hill Tracts of Orissa.

Government of India may remove from jurisdiction of Commissioner of Tributary Mehals in Cuttack certain Tributary Estates, and place them under the Agent for suppression of Meriah Sacrifices.

I. It is hereby enacted, that it shall be lawful for the Governor-General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of Tributary Mehals in Cuttack, any of the Tributary Estates specified in Section 2, Regulation II. of 1816 of the Bengal Code, and to place any such Estates under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

Similar enactment as to the tracts of country, under the jurisdiction of the Agent to the Governor-General, South-West Frontier.

II. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Agent to the Governor-General, South West Frontier, any portion of the tracts of country comprised in that Agency, and to place any such portion under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

Similar enactment as to ports of Ganjam, and Vizagapatam specified in Act XXIV. 1839, Sec. 2.

III. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Collectors of Ganjam or Vizagapatam, exercised by them as Agents to the Governor of Fort St. George under Act XXIV. of 1839, any portion of the tracts of country specified in Section II. of the said last mentioned Act, and to place any such portion under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Fort St. George in that behalf.

Similar enactment as to Zillah Rajahmundry.

IV. And it is hereby enacted, that it shall be lawful for the Governor-General in Council, by an Order in Council, to remove from the operation of the General Regulations and Laws any portion of Zillah Rajamundry, and to place any such portion under the jurisdiction and superintendence of such officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall be appointed by the Government of Fort St. George in that behalf.

Agents for suppression of Meriah Sacrifices, and their subordinates to be guided by instructions from the Government of India through the Local Government.

V. And it is hereby enacted, that all such Agents and their subordinates as shall be appointed under this Act, shall, in the exercise of their jurisdiction and superintendence, be guided by such instructions as they may from time to time receive from the Government of India through their respective Governments.

Government of India may prescribe rules for the guidance of such agents and may define their authority and determine in what suits an appeal shall lie from their decisions.

VI. And it is hereby enacted, that it shall be competent to the Governor-General in Council, through the Governments of the aforesaid Presidencies respectively, to prescribe such Rules as he may deem proper for the guidance of such Agents and subordinates, and to determine to what extent the decision of the said Agents in Civil Suits shall be final, and in what Suits an appeal shall lie to the Sudder Court, and to define the authority to be exercised by the said Agents in Criminal trials, and what Criminal cases they shall submit for the decision of the Sudder Court.

ACT No. XXII. OF 1845.

Expired

ACT No. XXIII. OF 1845.*

GENERAL.

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1. *All proceedings at Law or in Equity by, or on behalf of, or against the Union Bank of Calcutta, shall be instituted in the name of or against the Secretary or Treasurer thereof for the time being, and shall not be abated or prejudiced by the death, removal, &c., of such officer.*

2. *In all criminal proceedings, property, whether vested in the Bank or its trustees, may be described as the property of the Bank, or of its Secretary or Treasurer.*

3. *Actions against the Bank upon contracts with it, not to be defeated on account of the plaintiff being a partner of the Bank.*

4. *Actions by the Bank on contracts entered into by it, not to be defeated on account of the defendant being a partner in the Bank.*

5. *Directors to cause a memorial of the names, &c., of the Directors, Secretary, Treasurer, and Proprietors to be enrolled in the Supreme Court, and a fresh memorial within 12 months after every change in the said Officers, or Proprietors. Wilfully making a false declaration to be a misdemeanor.*

6. *Bank not to sue under this Act till other enrolment of memorial, and persons named in last memorial to continue liable till fresh memorial be enrolled.*

7. *Examined Copy to be proof of contents of memorial.*

8. *Judgments against the Secretary or Treasurer to have the same effect as if pronounced against all the members of the Bank.*

9. *If execution under this Act against the funds of the Bank be ineffectual, it may be issued against the proprietors successively. Proprietors against whom execution shall be issued to be re-imbursed out of the funds of the Bank, or if they fail, by the other proprietors. If execution against the Secretary, Treasurer and Members be ineffectual, it may be issued by leave of Court, after notice, against those who were members at the time of contract made, but liability of former members to be only according to the general law of Partnership.*

10. *Proprietor, if not re-imbursed within one month, may recover rateably by action against the proprietors.*

11. *Secretary, &c., though a party to the suit, may be witness.*

* See Act III. 1819, confirming an agreement between certain shareholders and creditors of the Union Bank

12. *Privileges and liabilities created by this Act to attach to Members who have parted with their shares, but have a claim on the dividends.*

13. *No person to bring more than one action or suit in respect of the same demand against any Secretary, Treasurer, or Member of the Bank—nor the Bank against any other person.*

14. *This Act not to be construed to incorporate the Bank, or to relieve it from any liability, either to other parties or to its own members, or otherwise.*

15. *Act to extend to the Bank during its continuance, notwithstanding any changes in the Members thereof.*

Schedule.

An Act to enable "The Union Bank of Calcutta," to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.

Whereas, by and under a certain Deed of Patnership or Association or an Agreement in writing of that nature, bearing date the First day of August, 1839, several persons have formed themselves into a certain Company or Co-partnership by the name of "The Union Bank of Calcutta," by which said Deed or Agreement it was and is provided (amongst other things) that the business of the said Company should consist in issuing Promissory Notes payable to bearer on demand at their Office in Calcutta for any sum of not less than Eight Company's Rupees, and not exceeding One Thousand Company's Rupees, and Bills of Exchange payable at such time after date or sight as the Directors for the time being should fix, to parties who should require the same and deposit the amount of such Bills in the said Bank, which deposit should bear interest at such rate as the Directors should fix, and also in discounting Bills and Promissory Notes not having a longer period to run than four months from the time of discounting the same respectively, and also in lending money on the security of personal property for any period not exceeding four months, or in cash accounts to persons depositing undoubted security, such accounts to be settled at the end of every three months, and in all other branches of business usually transacted by Bankers in Calcutta; and by which said Deed or Agreement it was and is further provided, that the Capital Stock and Fund of the said Company should amount to

the sum of 10,00,000,* of Company's Rupees, with certain provisos for increasing the same, when and if it should be deemed expedient. And whereas difficulties have arisen and may hereafter arise in recovering debts and monies due to the said Company called "The Union Bank of Calcutta," and in maintaining actions for damages done to the same Company, or to the property of the said Union Bank, since by law all the Members for the time being of the said Company must be named in every action or suit carried on for such purpose. And whereas it would be convenient that persons having demands against the said Company should be entitled to sue one of the two Officers hereinafter mentioned or described in that behalf; therefore, for obviating and removing the difficulties aforesaid—It is hereby enacted, that, from and after the passing of this Act, all actions, suits and other proceedings whatsoever, at Law or in Equity, for any injury or wrong done to any real or personal property of the said Union Bank, in whomsoever the same may for the time being be vested, whether in the said Company, or in some person or persons in trust for the said Company, or upon or in respect of any present liability or liabilities to the said Union Bank, or upon any Bonds, Covenants, Contracts or Agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Union Bank, or wherein the said Union Bank is or shall be interested, and also all instruments and petitions to found any adjudication of Insolvency in any Court for the Relief of Insolvent Debtors against any person or persons indebted to the said Union Bank, and liable to have been made Insolvent by the laws now or at any time hereafter in force relating to Insolvents in the East Indies, and generally all other proceedings whatsoever at Law or in Equity to be commenced, instituted, or carried on, by or on behalf of the said Union Bank, or wherein the said Union Bank is or shall be concerned or interested, against any person or persons, body or bodies, politic or corporate, or others, whether

All proceedings at Law or in Equity by, or on behalf of, or against the Union Bank of Calcutta, shall be instituted in the name of or against the Secretary, or Treasurer thereof for the time being as the nominal plaintiff or defendant, and shall not be abated or prejudiced by the death, removal, &c., of such officer.

* The Capital of the Bank was 100,00,000: but the Act has the above number.

such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank, or not, shall and lawfully may be commenced, instituted, presented and prosecuted, or carried on in the name of the person who shall be the Secretary, or of the person who shall be the Treasurer of the said Union Bank at the time such action, suit or proceeding shall be commenced or instituted, as the nominal plaintiff or petitioner for or on behalf of the said Union Bank; and all actions, suits and proceedings at Law or in Equity, as well for subsisting as future accruing claims, debts, or demands to be commenced or instituted against the said Union Bank by any person or persons, body or bodies, politic or corporate, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors, of or in the said Union Bank or not, shall be commenced, instituted and prosecuted against the said Secretary for the time being of the said Union Bank, or of the said Treasurer for the time being of the said Union Bank, as the nominal defendant, respondent, or defender for and on behalf of the said Union Bank, and the death, removal, resignation or any other act of such Secretary or Treasurer, or the Bankruptcy or Insolvency of such Secretary or Treasurer, shall not abate or prejudice any action, suit, or other proceeding at Law or in Equity commenced under this Act, but the same may be continued, prosecuted and carried on or defended in the name of any other the Secretary or Treasurer for the time being of the said Company.

In all criminal proceedings, property, whether vested in the Bank or its trustees may be described as the property of the Bank, or of its Secretary or Treasurer.

II. And it is hereby enacted, that, from and after the passing of this Act, in all indictments, informations and other criminal proceedings brought, instituted or carried on by, or on the behalf of the said Union Bank, for fraud or injury upon or against the said Union Bank, or for any felonies, taking, stealing or embezzlement, damaging or destroying, or for any offence whatever relating to any Money, Notes, Bills, Effects, Securities, or any real or personal property of the said Union Bank, or for any other offence against the said Union Bank, it shall be lawful to state such Money, Notes, Bills, Effects and

Securities, and other real and personal property, in whomsoever the same may be vested, whether in the said Union Bank, or in some person or persons in trust for the said Union Bank, to be the Money, Notes, Bills, Effects and Securities, or property of the said Union Bank, or of such Secretary or Treasurer for the time being of the said Union Bank; and any offence, committed with intent to injure or defraud the said Union Bank, shall and lawfully may in such prosecution be said to have been committed with intent to injure or defraud the said Union Bank, or such Secretary or Treasurer for the time being of the said Union Bank, and any offender or offenders may hereupon be lawfully convicted of any such offence, and in all other allegations or indictments, informations, or other proceedings in which, before the passing of this Act, it would have been necessary to state the names of the persons composing the said Union Bank, it shall be lawful and sufficient to state the name of such Secretary or Treasurer, and the death, resignation or removal of such Secretary or Treasurer shall not abate or render defective or in any wise affect or prejudice such indictments, informations or other criminal proceedings.

Actions against the Bank upon contracts with it, not to be defeated on account of the plaintiff being a partner of the Bank.

III. And it is hereby further enacted, that no action which may be commenced against the said Union Bank, or the Secretary or Treasurer for the time being of the said Union Bank, upon or arising out of any contract entered into, by or on behalf of the said Union Bank, shall be in any wise affected or defeated by, or by reason of the plaintiff or plaintiffs therein, or of any other person or persons who may be in any wise interested or concerned in such action, being a Member or Members of, or a Shareholder or Shareholders, or a Partner or Partners in, the said Union Bank; but any Member or Members, or Shareholder or Shareholders of, or Partner or Partners in the said Union Bank, shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Union Bank, or the Secretary or Treasurer for the time being thereof, upon any contract, and for any debt, damage or demand whatsoever

which he or they might have had, if he or they had been a stranger or strangers, and not a Member or Members, Shareholder or Shareholders, Partner or Partners of or in the said Union Bank.

Action by the Bank on contracts entered into by it, not to be defeated on account of the defendant being a partner in the Bank.

IV. And it is hereby further enacted, that no action commenced by or on behalf of the said Union Bank in the name of the Secretary or Treasurer for the time being thereof, by virtue of this Act, upon or arising out of any contract whatsoever entered into by or on behalf of the said Union Bank, or for the recovery of any debt or demand whatsoever due or owing to the said Union Bank, or for any other cause or any other account, shall be in any wise affected or defeated by or by reason of the defendant or defendants therein, or any person or persons who may be in any wise interested or concerned in such action, being a Member or Members, Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank; but the said Union Bank shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against any Member or Members, Shareholder or Shareholders thereof, either alone or jointly with any other person or persons, upon any contract, and for any debt, damage, or demand whatsoever, which the said Union Bank might have had if such cause of action had arisen with a stranger or strangers, and not with a Member or Members, or Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank.

Directors to cause a memorial of the names, &c., of the Directors, &c., to be enrolled in the Supreme Court, and a fresh memorial within twelve months after every change. Wilfully making a false declaration to be a misdemeanor.

V. And it is hereby further enacted, that the Directors of the said Union Bank shall cause a Memorial, in the form and to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit of, containing the names, residences and descriptions of the Directors, Secretary and Treasurer, and of the several persons being Members and Proprietors of the said Union Bank, to be verified by a declaration in writing, to be made before the Master in Equity of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, by the Secretary, or some one of the said

Directors, for the time being, and the same shall be enrolled amongst the records of the said Supreme Court within 12 calendar months next after the passing of this Act; and whenever any new Director or Directors, or Secretary or Treasurer shall be elected, a like Memorial shall be verified and enrolled as aforesaid, specifying in whose place or places he or they shall be appointed, within 12 calendar months after such appointment, and whenever any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Union Bank, a Memorial of his, her or their names shall be in like manner verified within 12 calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors, in the Form expressed in the said Schedule for that purpose; and when any new Proprietor or Proprietors shall be admitted into the said Union Bank, a Memorial of his, her or their names shall be in like manner verified and enrolled among the records of the said Supreme Court of Judicature within 12 calendar months afterwards, according to the Form in the said Schedule. Provided always, that, if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be guilty of a misdemeanor.

Bank not to sue under this Act till after enrolment of memorial and persons named in last memorial to continue liable till fresh memorial.

VI. And it is hereby further enacted, that until such Memorial as first hereinbefore mentioned shall have been deposited and enrolled as hereinbefore directed, no action or suit shall be brought by the said Union Bank under the authority of this Act, and until the Memorial by this Act required to be deposited and enrolled, in the event of any person or persons ceasing or discontinuing to be a Director or Secretary or Treasurer or Member of the said Union Bank, shall have been deposited and enrolled as hereinbefore mentioned, the person or persons whose names shall appear in the last Memorial which shall have been made and enrolled shall be and are hereby declared to be liable to all such actions, suits, and executions upon judgment or decree and other proceedings under this Act, in the same manner as if he, she, or they, had not ceased

or discontinued to be a Director, Secretary, or Treasurer, or Proprietor of the said Union Bank.

Examined Copy to be proof of contents of memorial.

VII. And it is hereby further enacted, that an examined copy of every Memorial to be deposited and enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of the Keeper of Records and Muniments for the time being of the said Supreme Court of Judicature, shall be received in evidence, as proof of the contents of such Memorial, and proof shall not be required that the person by whom the Memorial purports to be verified was, at the time of such verification, one of the Directors of the said Union Bank.

Judgments against the Secretary, &c., to have the same effect as if pronounced against all the members.

VIII. And it is hereby further enacted, that all and every judgment and judgments, decree and decrees, order and orders, made or pronounced in any action, suit, or proceedings in any Court of Law or Equity within the limits of the territories of the East India Company against the Secretary or Treasurer for the time being of the said Union Bank, shall, subject to the express provisions of this Act, have the like effect and operation upon and against the property and funds of the said Union Bank as if such judgment, decree or order had been made or pronounced against all the Members of the said Union Bank, and as if all the Members of the said Union Bank had been parties before the Court to such action, suit and proceedings, and as if this Act had not passed.

If execution against the funds be ineffectual, it may be issued against the proprietors successively. Proprietors to be re-imbursed out of the funds, or if they fail, by the other proprietors. If execution against the Secretary, Treasurer and members be ineffectual, it may be issued, by leave of Court, after notice, against

IX. Provided always and it is hereby further enacted, that in case execution, upon any judgment or decree in any such action or suit obtained against the Secretary or Treasurer of the said Union Bank, as defendant or respondent or otherwise, shall have been issued and taken out against the funds and property of the said Union Bank, under the provisions of this Act, and shall be ineffectual for obtaining full payment and satisfaction for the sum or sums sought to be recovered, then and in such case execution upon any such judgment or decree shall be issued against any other individual Proprietor

or Proprietors of the said Union Bank successively, as it may become necessary to enforce payment and satisfaction of the said judgment or judgments. Provided also, that every such Secretary or Treasurer in whose name any such action or suit shall be commenced, prosecuted, or defended, and every Director or Member against whom execution upon any judgment or decree obtained in any such action or suit shall be issued as aforesaid, or as hereinafter mentioned, shall always be reimbursed and paid out of the funds or property of the said Union Bank all such loss, damages costs and charges, as by the event of any such proceedings he or they shall be put unto or become chargeable with, and if the funds or property of the said Union Bank shall be insufficient to pay the said loss, damages, costs or charges, then the deficiency shall be made good by the Proprietors for the time being of the said Union Bank. Provided also, that, if any such execution against the Secretary or Treasurer or Member or Members for the time being of the said Union Bank shall be ineffectual for obtaining payment of the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties so having obtained judgment or decree against the Secretary or Treasurer for the time being of the said Union Bank, to issue execution against any other person or persons who was or were a Member or Members thereof at the time the Contract or Contracts was or were entered into upon which such action or suit was or were instituted, but no such execution shall be issued against any other person than the actual party to the action or suit without leave first granted in open Court by the Court in which such action or suit may have been brought or instituted, and when motion shall be made on notice to the person or persons sought to be charged. Provided also, that nothing herein contained shall render such past Members or Proprietors liable for payment of any debt or claim for which such action, suit or proceedings may have been brought, to which they would not have been liable by operation of law as Partners in case any action or other proceeding had been originally brought against them for the same.

those who were members at the time of contract made, but only according to the general law of Partnership.

Proprietor, if not re-imbursed within one month, may recover rateably by action against the proprietors.

X. And whereas it is expedient that every Member of the said Union Bank, against whom any execution shall be issued upon any judgment or decree under the authority of this Act, should have an easy and expeditious mode of recovering all such losses, damages, costs and charges, as he or she shall be put to or become chargeable with in consequence thereof. It is therefore hereby enacted, that, if any execution upon any judgment or decree obtained in any action, suit or proceeding under this Act shall be issued against any other Proprietor or Member of the said Union Bank, and such Proprietor or Member shall not, within the space of one month next after the issuing thereof be reimbursed, out of the funds or property of the said Union Bank, all such monies, costs, charges, losses and expenses as he or she shall have paid or been put to or become chargeable with in consequence of such execution having been issued against him or her, it shall be lawful for such Member or Proprietor to divide such monies or cost or charges, or so much thereof as he or she shall not have been reimbursed as aforesaid, into as many equal parts or shares as the Capital of the said Union Bank shall at that time be divided into, and each and every Proprietor for the time being of any share or shares in the said Company shall, in proportion to the number of shares which he or she may hold in the said Union Bank, pay one or more of such parts or shares upon demand to the Member or Proprietor against whom such execution shall have issued, or to his or her Executors or Administrators, and upon the neglect or refusal of any Proprietor of the said Company to pay upon demand his or her due and fair proportion of such monies, costs and charges, then and in such case it shall be lawful for the Proprietor or such person to whom the same ought to have been paid, to sue for and recover the same in and by action, suit or plaint against the Proprietor, or the Executors or Administrators of any Proprietor, who shall so neglect or refuse as aforesaid in Her Majesty's Supreme Court of Judicature in Calcutta.

Secretary, &c., though a party to the suit, may be witness.

XI. And it is hereby enacted, that the Secretary or Treasurer for the time being of the said Union Bank, or any

Member of the said Union Bank being the plaintiff, appellant, petitioner or prosecutor, or being the defendant or respondent in any action, suit, petition, proceeding, prosecution or indictment commenced, instituted or prosecuted in the Courts, and within the limits aforesaid, by or against the said Union Bank, shall not by reason thereof be deemed incompetent to be a witness in any such action, suit, petition, proceeding, prosecution, or indictment; but such Secretary or Treasurer, or Member of the said Union Bank, as aforesaid, shall and may, if not otherwise interested or objectionable, be a good and competent witness, and be admissible and be admitted as such in all the Courts above mentioned, and by and before all Judges, Justices, and others, within the limits aforesaid, in any such action, suit, petition, proceeding, prosecution or indictment, in the same manner as he or they might have been if his or their name or names had not been made use of as the plaintiff or appellant, petitioner, or prosecutor, defendant or respondent in any such action, or suit, petition, proceeding, prosecution or indictment, or other proceeding.

Privileges and liabilities created by this Act to attach to Members who have parted with their shares, but have a claim on the dividends.

XII. And it is hereby further enacted, that any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein, and who shall claim payment of any dividends of the funds or profits of the said Union Bank due and payable to him, her, or them, and not also disposed of and parted with along with such share or shares, or any other right or interest against the said Union Bank generally, shall and lawfully may commence and carry on in any Court of Equity, within the limits aforesaid, any suit or other proceeding against the Secretary or Treasurer of the said Union Bank for the time being; and in like manner such Secretary or Treasurer for the time being may commence and carry on in his own name, by and on behalf of the said Company, any suit or other proceeding in any Court of Equity within the limits aforesaid, against any individual Members of the said Union Bank, or person or persons who shall have been a Mem-

ber or Members of the said Union Bank, and have parted with his, her or their shares and interests therein, against whom the said Union Bank generally may have any claim or demand, and all such suits and proceedings shall be as valid and effectual as if all the Members of the said Union Bank had been made parties, and every decree and order made therein shall be binding for or against the said Union Bank, and no abatement shall arise from the death, resignation, or removal, or any act or proceeding of any such Secretary or Treasurer pending the suit, nor shall such suit be deemed defective by reason thereof. Provided always that in case; for the purpose of discovery or for any other purpose, any person or persons (whether Members of the said Union Bank or not) having claims or demands against the said Union Bank, shall be desirous to include any other Member or Members of the said Union Bank, besides the Secretary or Treasurer for the time being, as a defendant or defendants in any bill or other proceeding in any Court of Equity within the limits aforesaid, it shall be lawful for him, her, or them so to do—any thing in this Act contained to the contrary notwithstanding.

No person to bring more than one action for the same demand against any Secretary, Treasurer, or Member of the Bank nor the Bank against any other person.

XIII. And it is hereby further enacted, that no person or persons, body or bodies, politic or corporate, having or claiming to have any demand upon or against the said Union Bank, shall, when the same has been so determined as to have been pleadable in bar against such person or persons, body or bodies, politic or corporate, bring more than one action or suit in respect of such demand; and the proceedings in any action or actions, suit or suits, which may have been brought against the Secretary or Treasurer for the time being of the said Union Bank under the authority of this Act, if so determined, may be pleaded in bar of any action or actions, suit or suits, in any of the Courts aforesaid for the same cause against any other Secretary or Treasurer, or against any Member of the said Union Bank, and that in case of any demand which the said Union Bank now has or hereafter may have upon or against any person or persons, body or bodies, politic or corporate, whether a Member or Members of the said Union Bank or not,

and which shall have been determined in any action or suit, commenced or prosecuted by the Secretary or Treasurer for the time being of the said Union Bank, the proceedings in such action or suit may be pleaded in bar of any other action or suit, or actions or suits, in any of the Courts aforesaid for the same demand which may be commenced or prosecuted by the same, or any other Secretary or Treasurer of the said Union Bank.

This Act not to incorporate the Bank, or to relieve it from any liability.

XIV. Provided always and it is hereby further enacted, that nothing in this Act contained shall extend, or be construed to extend to incorporate the said Union Bank, or to relieve or discharge the said Union Bank from any responsibility, contract, duty, or obligation whatever, to which by law they now are, or at any time hereafter may be subject or liable either as between the said Union Bank and other parties, or as between the said Union Bank and any of the individual Members of the said Union Bank, or any of them and others, or amongst themselves, or in any manner whatsoever.

Act to extend to the Bank during its continuance, notwithstanding any changes in the Members thereof.

XV. And it is hereby further enacted, that this Act, and the provisions herein contained, shall extend and be construed to extend to the said Company called the Union Bank at all times during the continuance thereof, whether the said Union Bank hath been, or be now, or shall hereafter be, composed of all or of some of the persons who were the original Members thereof, or of all or some of those persons together with some other person or persons, or whether the said Union Bank be, at the time of the passing of this Act, composed altogether of persons who were not original Members of the said Union Bank, or whether the said Union Bank shall hereafter be composed of persons who were not original Members thereof, or of persons all of whom shall become Members subsequently to the passing of this Act.

THE SCHEDULE REFERRED TO IN THIS ACT.

Original Memorial of Directors to* Secretary and Members.

Memorial made the ——— day of ——— of the names of the present Directors, Secretary, Treasurer and Members of the "Union Bank of Calcutta," pursuant to an Act of the Legislative Council of India passed in the year of Christ 1845, intituled "An Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company."

C D. of and E. F of	Directors.
G. H.	Secretary.
I. J. K. L., &c.	Proprietors.

I, C. D., one of the Directors or Secretary of the Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the present Directors, Secretary, Treasurer, and of all the present Proprietors of the said Union Bank, as the same appear in the books of the said Union Bank, and make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Act substituting declarations in lieu of Oaths and Affirmations.

(Signed) C. D.

Declared, &c, before me Master of the Supreme Court of Judicature.

In the case of change of Directors or Secretary.

Memorial made the ——— day of ——— of the names of the new Directors or Secretary of "The Union Bank," and of the persons in whose places they have (or he has) been appointed, pursuant to an Act passed in the year of Christ 1845, intituled, &c.

E. F. of	Director in the place of A. B.
G H. of	Secretary in the place of C. D.

I, E F., one of the Directors, Treasurer or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial contains the names of the new Secretary or Treasurer or Directors of the said Union Bank, and of the persons in whose place they have (or he has) been appointed as the same appear in the books of the said Union Bank, and I make this solemn declaration, &c. (as before).

(Signed) E. F.

Declared. &c. &c.

N. B. The last Memorial as to new Directors or Secretary or Treasurer, was enrolled on the ——— day of ——— 18 ———

* So in Act

In the case of retirement of Members.

Memorial made the —— day ——— of ——— of the names of the persons who have ceased or discontinued to be Members of the Union Bank of Calcutta, since the ——— day of ————, being the date of the Memorial last registered respecting the Members of the said Union Bank, enrolled pursuant to an Act passed, &c., intituled, &c.

A. B. of

I, E. F. of ————————, one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Members of the said Union Bank since the ———— day of ———— and I make this solemn declaration (as before).

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to retirement of Members was enrolled on the ——— day of ——— One Thousand Eight Hundred and ———.

In case of new Members.

Memorial made the ——— day of ———— the names of the persons who have become new Members of "the Union Bank of Calcutta," since the ——— day of ——— One Thousand Eight Hundred and ———— (being the date of the Memorial last registered respecting new Members of the said Union Bank), enrolled pursuant to an Act, &c.

J. K. of
L. M. of

I, A. B., of ————————, one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the names of the persons who have become new Members of the said Union Bank since the ———— day of ———— One Thousand Eight Hundred and ————, and I make this solemn declaration, &c., (as before).

(Signed) A B.

Declared, &c. &c.

N. B. The last Memorial as to new Members was enrolled on the ——— day of —— One Thousand Eight Hundred and

Memorial of several changes.

Memorial made the ——— day of ———— of the names of the new Directors and Secretary of the Union Bank of Calcutta, and of the persons in whose place they have respectively been appointed, and of the names of the persons who have ceased or discontinued to be members of the said Union Bank, and of the new Members of the said Union Bank, enrolled pursuant to an Act passed, &c.

Names of the new Directors and of the persons in whose places they have been appointed.

E. F. of in the place of A. B. of

G. H. of in the place of C. D. of

Names of the persons who have ceased to be Members,

A. B. of

C. D. of

Names of New Members.

J. K. of

L. M. of

I, E. F., of ——————— one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the new Directors and Secretary of the said Union Bank, and of the persons in whose places they have been appointed, and of the persons who have ceased to be Members of the said Union Bank, and of the new Members of the said Union Bank, as the same respectively appear in the Books of the said Union Bank, and I make this Solemn Declaration, &c., (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to a new Secretary was enrolled on the ——— day of ——— One Thousand Eight Hundred and

The last Memorial as to new Directors was enrolled on the ——— day of ——— One Thousand Eight Hundred and

The last Memorial as to the retirement of Members was enrolled on the ——— day of ——— One Thousand Eight Hundred and

The last Memorial as to new Members was enrolled on the ——— day of ——— One Thousand Eight Hundred and

ACT No. XXIV. OF 1845.

Repealed by Act XII. 1859.

MADRAS.

ACT No. XXV. OF 1845.

1. *Repeals Act XXI of* 1841, *Sec.* 8, *as to emigrant vessels from Madras.*

2. *Emigrant vessels from Madras to Jamaica, British Guiana or Trinidad to sail only between the* 31*st August and* 1*st March.*

An Act for regulating the time of sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.

Whereas by Section 8, Act XXI of 1844, it was amongst other things enacted, that no ship or vessel carrying Emigrant Laborers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing;

And whereas the said provision is found to be inconvenient so far as regards ships or vessels carrying Emigrant Laborers from Madras:

I. It is therefore hereby enacted, that so much of the said Act as is hereinbefore recited be repealed so far as regards such last mentioned ships or vessels.

II. And it is hereby enacted, that no ships or vessels, carrying Emigrant Laborers to Jamaica, British Guiana, or Trinidad, shall sail from Madras at any other time than between the 31st day of any August and the 1st of March next thereafter ensuing.

ACT No. XXVI. OF 1845.

Repealed by Act XI. 1849.

ACT No. XXVII. OF 1845.

Repealed by Act XVII. 1862.

ACT No. XXVIII. OF 1845.

MADRAS.

1 *One Judge of the Supreme Court in Madras may sit apart for despatch of criminal business, while other Judges are sitting for despatch of civil business.*

2 *Court may transact out of Term all business which it can transact in Term.*

An Act for the improvement of the Administration of Justice and despatch of business in the Supreme Court of Judicature at Fort St. George.

I. It is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort St. George, when occasion shall so require, to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Jail Delivery under the Charter of said Court.

II. And it is hereby further enacted, that all business of what nature or kind soever, which the said Supreme Court of Judicature at Fort St. George may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court, as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions, or other Proceedings given, issued, or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

BOMBAY.

ACT No. XXIX. OF 1815.

1. *Government of Bombay, with consent of Government of India, may appoint in any Zillah a Joint Judge with co-extensive powers and jurisdiction, but to transact only such civil business as he may receive from the Zillah Judge.*

2. *Rules for guidance of Zillah Judge to apply to Joint Judge.*
3. *Joint Judge to take same oath &c. as Zillah Judge.*
4. *Joint Judge to use the same seal as Zillah Judge.*
5—8. *Similar enactments as to appointment of a Joint Session Judge when expedient.*

An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.

I. It is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor-General of India in Council, whenever the state of Civil Judicial business may render it expedient, to appoint in any Zillah within the territories subject to the Presidency of Bombay, a Joint Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Judge of the Zillah, except that he shall not keep a file of Civil suits, but shall transact such Civil business only as he may receive from the Judge of the Zillah.

Government may appoint in any Zillah a Joint Judge to transact only such civil business as he may receive from the Zillah Judge.

II. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereinafter be enacted for the guidance of the Judge, shall be equally applicable to the Joint Judge.

Joint Judge to be guided by the same Rules as Zillah Judge.

III. And it is hereby enacted, that, previous to exercising the functions of his Office, the Joint Judge shall take the oath prescribed for the Judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

Joint Judge to take the same oath.

IV. And it is hereby enacted, that the seal of the Joint Judge shall be the same as is used by the Judge of the Zillah.

And to use the same seal.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor-General in Council, whenever the state of Criminal Judicial business may render it expedient, to appoint in any Zillah within the said territories a Joint Session Judge, who

Government may appoint a Joint Sessions Judge to transact only such Criminal business as he may receive from the Sessions Judge.

shall be vested with co-extensive powers and a concurrent jurisdiction with the Session Judge of the Zillah, except that he shall not receive original complaints, but shall transact such Criminal business only as he may receive from the Session Judge of the Zillah.

To be bound by the same Rules.

VI. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereafter be enacted, for the guidance of the Session Judge, shall be equally applicable to the Joint Session Judge.

Take the same oath.

VII. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Session Judge shall take the oath prescribed for the Session Judge with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

And use the same seal.

VIII. And it is hereby enacted, that the seal of the Joint Session Judge shall be the same as is used by the Session Judge of the Zillah.

ACT No. XXX. OF 1845.

Repealed by Act XVII. 1862.

ACT No. XXXI. OF 1845.

Repealed by Act VI. 1849.

MADRAS.

ACT No. XXXII. OF 1845.

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1. *Reg I 1830, Sec 1, Cl 2, 3, repealed.*

2. *Licenses under Reg I 1820, Sec. 1, to be in a form approved by Board of Revenue and to contain stipulations for the exportation of all manufactured liquor, or sale of it to authorized officers of Government or to Abkary renters, but not to licensed retailers.*

3. *Penalty for breach of stipulation forfeiture of license, or fine of Rs. 1,000.*

4. *European British subjects, as well as others, to be subject to the penalties specified in Reg. I. 1820 for offences against that Regulation, but Europeans not to be liable to hard labor.*
5. *The sentence against an European may direct his imprisonment in the Madras Jail.*
6. *Jailor to carry out such sentence as if passed by the Supreme Court.*

An Act to modify Regulation I. of 1820 of the Madras Code, relative to manufacturing Spirituous Liquors by the European process of distillation.

Reg. I. 1830, Sec. 4, Cl. 2, 3, repealed.

I. Whereas it is expedient to modify Regulation I. of 1820 of the Madras Code, and to allow persons manufacturing Spirituous Liquors by the European process of distillation to dispose of the same, under certain conditions, for consumption within the territories of the Presidency of Fort St. George: and whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are, equally with other parties, amenable to the local authorities in the Provinces for offences committed in violation of the said Regulation I. of 1820 of the Madras Code, it is hereby enacted, that Clauses 2 and 3, Section 4, Regulation I. 1820 of the said Code, be repealed.

Licenses under Reg. I. 1820, Sec. 4, to be in a form approved by Board of Revenue and to contain certain stipulations for the exportation or Sale of all manufactured liquors.

II. And it is hereby enacted, that the Licenses to be granted under Section 4, Regulation I. 1820 of the Madras Code, for the establishment of all Distilleries for manufacturing Rum, Arrack or other Spirits by process of distillation similar to the European system, shall be prepared *according to a form, to be approved by the Board of Revenue*,* and shall contain a stipulation that the whole of the Spirituous Liquors manufactured at such Distillery shall be exported by Sea, or shall be sold only to the Civil or Military Officers of Government empowered to purchase the same on account of the Public Service, or to Abkarry Renters, for retail sale, within the limits of their respective farms, but not to the licensed retail dealers of Madras contemplated by Section 7, Regulation I. 1813 of the Madras Code.

* The power of revising these forms and introducing other stipulations is given by Act XIX. 1852, Sec. 28, to the Madras Government, or any officer authorised by it.

Penalty for breach of stipulation.

III. And it is hereby enacted, that any person, whether European or not, who, in breach of the stipulation in his Distillery License, held under the provisions of the foregoing Section, and of Clause 1, Section 4, Regulation I. 1820, Madras Code, shall directly or indirectly sell, or permit to be sold, any such Spirituous Liquors to any European Sailor or Soldier, or to any Native of India, or other person, save and except to those persons to whom it is hereinbefore declared that such Liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue by whom such License shall have been granted, be liable to the forfeiture of his License, or to a fine not exceeding Rupees 1,000 for every such offence, subject to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

European British subjects, as well as others, to be subject to the penalties in Reg. I. 1820, but European not to be liable to hard labor.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall, on conviction before the Session Judge or Subordinate Judge of the Zillah, be subject to the penalties therein severally and respectively provided against the commission of such offences, save and except that no European British subject shall in any case be liable to hard labor when imprisoned in pursuance of a sentence passed upon him under that Regulation, but that any fines which may be imposed for acts done in breach of the provisions of the said Regulation or of the provisions of Sections 2 and 3 of this Act, shall, in default of payment, be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

Sentence against an European may direct imprisonment in Madras Jail.

V. And provided also, that it shall be lawful for the Session Judge or Subordinate Judge of the Zillah in sentencing any European British subject to imprisonment to direct that the imprisonment shall be in the Jail at Madras.

Jailor to carry out such sentence as if passed by the Supreme Ct.

VI. And it is hereby enacted, that the Jailer of the Jail at Madras shall receive into the said Jail any European British subject so sentenced as aforesaid, and keep him there imprisoned during the term of his sentence, in the same manner as if he had been sentenced by the Supreme Court.

ACT No. I. OF 1846.

BENGAL.

1. *Repeals parts of Regulations XXIII. XXVI. XXVII. and XXVIII. of 1814, of Reg. XIX. 1817, Reg. XI. 1826. Reg. V. and Reg. IX. 1831, and Reg. VII. 1832, Reg. XII. 1833, and Act XIII. 1838, Bengal Code.*

2. *Repeals parts of Regulations VI. XIV. and XV. of 1816; of Regulations I. and VII of 1827, of Reg. VI. of 1828; and Reg. IV. of 1832, (Madras Code).*

3. *Repeals parts of Regulations II. and XXIX. of 1827, (Bombay Code).*

4. *Pleaders in any of the Courts not to be admitted without certificate of character and qualification, but the office to be open to all.*

5. *Barristers to be entitled to plead in Sudder Courts, but subject to all the rules applicable to pleaders.*

6. *Certain Regulations of the three Codes to cease to be enforced except under Sec. 7.*

7. *Parties may settle with Court Pleaders by private agreement as to remuneration; but when costs are awarded in any regular suit on the merits, they shall be calculated according to rule, and in other cases, at one-fourth of that amount.*

8. *Private agreements as to remuneration to be enforced only by regular suit.*

9 *Fees for Pleaders' opinions to be settled by private agreement.*

10. *P. S. Ameens, and S. Ameens may fine pleaders, but subject to appeal to the Judge.*

11. *Rules as to Pleaders to be applicable to the Moonsiffs' as to the Judge's Court.*

12. *Moonsiff may fine Pleaders, but subject to appeal to the Judge.*

13. *Exception as to certain Vakeels in the Madras Presidency.*

An Act for amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.

I. It is hereby enacted, that Section 15, Regulation XXIII. 1814; Clause Seventh, Section 2, Clause Eleventh, Section 3, Clause Fourth, Section 8, Regulation XXVI. 1814; Clause Third, Section 3, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause First, Section 39, Regulation XXVII. 1814; Clause Second, Section 10, Regulation XXVIII. 1814; Section 9, Regulation XIX. 1817;

Repeals parts of Regs. XXIII. XXVI. XXVII. and XXVIII. of 1814, of Reg. XIX. 1817, Reg. XI. 1826. Re V. and IX. 18 Reg. VII. 18 Reg. XII. 18 and Act XIII. 1838, Bengal Code.

Section 6, Regulation XI. 1826; Section 30, Regulation V. 1831; Section 7, Regulation IX. 1831; Section 11, Regulation VII. 1832; Regulation XII. 1833, of the Bengal Code; and Act No. XIII. of 1838, be repealed.

Repeals parts of Regs. VI. XIV. and XV. of 1816; of Regs. I. and VII. of 1827, and of Reg. VI. of 1828; and Reg. IV. of 1832, (Madras Code).

II. And it is hereby enacted, that Clauses Second and Third, Section 14, Regulation VI. 1816; Section 7; Clause First, Section 15; Sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816; Clause Seventh, Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV. 1816; Clause Third, Section 6, Regulation I. 1827; Clause Third, Section 6, Regulation VII. 1827; Section 5, Regulation VI. 1828; Section 4, Regulation IV. 1832 of the Madras Code, be repealed.

Repeals parts of Regulations II. and XXIX. of 1827, (Bombay Code).

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 18, Section 55, Regulation II. 1827 of the Bombay Code; and so much of Clause First, Section 7, Regulation XXIX. 1827, of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleaders and grant Certificates of qualification to practice in their Courts, be repealed.

Pleaders not to be admitted without certificate of character and qualification, but the office to be open to all.

IV. And it is hereby enacted, that the office of Pleader in the Courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a Pleader in any of those Courts *unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts, that he is of good character and duly qualified for the office*,* any Law or Regulation to the contrary notwithstanding.

Barristers to be entitled to plead in Sudder Courts, but subject to all the rules applicable to pleaders.

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the

* By Act XX. 1853, Sec. 4 the words in italics have been declared inapplicable to Barristers and Attorneys of any of the Supreme Courts.

rules in force in the said Sudder Courts applicable to Pleaders, whether relating to the language in which the Court is to be addressed, or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXVII. 1814, of the Bengal Code; Section 25, Regulation XIV. 1816, of the Madras Code; and Section 52, Regulation II. 1827, of the Bombay Code, shall cease to be enforced, excepting for the purpose specified in Section 7 of this Act.

Certain Regulations to cease to be enforced except under Sec. 7.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalutnama; provided, that when costs are awarded to a party in any regular Suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section 6 of this Act; and that when costs are awarded in other cases, the amount to be paid on account of such fees shall be one-fourth of what it would have been in a regular Suit decided on its merits.

Parties may settle with Court Pleaders by private agreement as to remuneration, but when costs are awarded in any regular suit on the merits, they shall be calculated according to rule, and in other cases, at one-fourth of that amount.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders, respecting the remuneration to be paid for professional services, shall not be enforced otherwise than by a regular Suit.*

Private agreements as to remuneration to be enforced only by regular suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XXVII. 1814, of the Bengal Code, and of Section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fees to be received by authorized Pleaders for legal opinions, be repealed: and that persons taking

Fees for Pleaders' opinions to be settled by private agreement.

* This Section was declared by Act XXX. 1850 not to have been retrospective in its operation.

such opinions from authorized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

P. S. Ameens, and S. Ameens may fine pleaders, but subject to appeal.

X. And it is hereby enacted, that, whenever a Pleader has rendered himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder Ameen to impose such fine; provided, that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.*

Rules as to Pleaders to be applicable to the Moonsiffs' as to the Judge's Court.

XI. And it is hereby enacted, that the rules applicable to Pleaders in the Courts of the Zillah and City Judges shall henceforth be applicable, so far as they are capable of application, to Pleaders in the Moonsiffs' Courts.*

Moonsiff may fine Pleaders, but subject to appeal.

XII. And it is hereby enacted, that, whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided, that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

Exception as to certain Vakeels in the Madras Presidency.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts of the Village Moonsiffs, or before the Village or District Punchayets, or before the Collectors of Zillahs, under the Provisions of Regulations IV. V. VII. and XII. 1800, of the Madras Code.

ACT No. II. OF 1846.

Repealed by Act I. 1852.

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* These two Sections were repealed as to Pleaders practising in the Courts in the Lower Provinces of the Presidency of Bengal.

ACT No. III. OF 1846.

BOMBAY.

An Act for the establishment and maintenance of field Boundary Marks in the Presidency of Bombay.

Whereas it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

Authorized Revenue Officers may require sufficient boundaries to be erected by owners of fields.

I. It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority, to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

Form, and manner of Requisition.

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the Form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

In default of Owners or Occupants, the Revenue Officer may erect boundary marks.

III. And it is hereby enacted, that, in default of the Owners or Occupants of the field complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such field Boundary Marks, the cost of which shall be equitably proportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

Person out of possession not to have his claim of ownership or occupancy allowed, till he has paid the cost of erecting boundary marks.

IV. And it is hereby enacted, that no person, being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the Village in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

Penalty of Rs. 50 for wilful erasure, &c., of field boundary marks.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field Boundary Marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

Authorized Revenue Officers to assess and realize all sums under this Act.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the Revenue Officer authorized to provide for the erection and maintenance of field Boundary Marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be recorded in writing, and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant as the case may be) of the field ———————— in the Village of ———————— you are

hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined,) or to repair its present boundary, within ——— —— days from this date, in default of which the same will be done by the Government Officers, and the cost recovered from you under Act III. of 1816.

ACT No IV. OF 1816.

Repealed by Act X. 1861.

ACT No. V. OF 1816.

BOMBAY.

Reg IV. 1830, Sec 1, partially repealed.

An Act for placing the Police of Surat under the Magistrate.

Whereas it has been judged expedient that the Police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah:

It is hereby enacted, that so much of Clause 1st, Section 1st, Regulation IV. of 1830 of the Bombay Code, as reserves to the control of the Judge and his Assistants the Police jurisdiction of the City and Sudder Station of Surat, be repealed.

ACT No. VI. OF 1816.

BENGAL.

1. *Certain portions of the Bhuttee territory removed from the operations of Reg. V. 1832.*
2. *And placed under the Agent to the Governor-General in Council.*
3. *G. G. in C. may prescribe rules for guidance of the Agent and his subordinates, and may determine how far the Agent's decisions in Civil and Criminal suits shall be final.*

4, 5. *In cases of appeal, Civil and Criminal, the Sudder Court shall proceed in conformity with the rules prescribed for the Agent.*

An Act for the more convenient adminstration of the Government of the country called the Bhuttee Territory.

Whereas much inconvenience has resulted from maintaining as a part of the Delhi Division, the large and thinly peopled

tract of Country called the Bhuttee Territory, extending from the borders of the Hissar District to the Ghana or Sutlege:

Part of the Bhuttee territory removed from the operations of Reg. V. 1832.

I. It is hereby enacted, that from and after the First day of January, 1847, the provisions of Regulation V. of 1832 of the Bengal Code shall cease to have effect in the said Bhuttee Territory, consisting of the following Pergunnahs:

Durbah.	Sirsa.	Raneeah.
Goodah.	Mullout.	Wuttoo.

And placed under the Agent to the G. G. in Council.

II. And it is hereby enacted, that, from and after the said day, the administration of Civil and Criminal Justice, the Superintendence of the Police, and the Collection and Superintendence of the Revenues of every description within the said Territory, shall vest in such Agent as the Governor-General of India in Council shall appoint, and shall be exercised by the said Agent with the aid of such Assistants as shall be appointed by the said Governor-General of India in Council.

G. G. in C. may prescribe rules for guidance of the Agent, &c., and may determine how far his decisions in Civil and Criminal suits shall be final.

III. And it is hereby enacted, that it shall be competent to the said Governor-General of India in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of the Officers subordinate to his control and authority, in all Judicial and Revenue proceedings, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

In cases referred, the Nizamut shall proceed in conformity with the rules prescribed for the Agent.

IV. And it is hereby enacted, that, upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the said Governor-General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

In cases of appeal the S. D. A. shall proceed in

V. And it is hereby enacted, that, upon the receipt of any appeal from a decree of the Agent duly preferred under the

Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper, and in conformity with the prescribed rules. conformity with same Rules

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ACT No. VII. OF 1846.

Repealed by Act XIII 1862

ACT No. VIII. OF 1846.

BENGAL, N. W. P.

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1 *Government Jummah of all Villages included on 1st May, 1846 within the districts noted herein to be considered fixed till the dates specified as to each*

2 *Mouzahs standing transferred on 1st May 1846 to permanently settled districts, to be held for ever on the highest Jummah settled prior to that date*

3 *Persons holding on special grants or long Leases to hold according to the terms*

4 *Malgoozar desirous of relinquishing his lease may do so on giving notice within two years of its expiry*

5 *In default of notice, the Malgoozar to be bound by existing Jummah till revision of Settlement*

6 *Government right to demand Revenue from resumed rent free Land Transfer &c not to be taxed*

An Act for determining the duration of the existing Settlement of the North Western Provinces

Whereas the settlement of the several Districts of the North Western Provinces has been made for different periods, and whereas, from several causes, the duration of the settlement as stated in the engagements of the Malgoozars, does not always agree with that sanctioned by the Government; and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place,

I. It is therefore hereby enacted, that the Jummah of all villages included on 1st May, 1846, within the limits of the Government Jummah of all Villages includ-

ed on 1st May, 1846, within the districts noted herein, to be considered fixed till the dates specified as to each.

Districts in the said Provinces noted below, shall be considered fixed till the date inserted opposite to each District, so far as regards the claim of the Government to any increase upon the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

Paneeput, July 1st, 1872, one thousand eight hundred and seventy-two.

Hissar, July 1st, 1860, one thousand eight hundred and sixty.

Delhi, July 1st, 1870, one thousand eight hundred and seventy.

Rohtuck, July 1st, 1870, one thousand eight hundred and seventy.

Goorgaon, July 1st, 1872, one thousand eight hundred and seventy-two.

Sheharunpore, July 1st, 1857, one thousand eight hundred and fifty-seven.

Mozuffernugger, July 1st, 1861, one thousand eight hundred and sixty-one.

Meerut, July 1st, 1865, one thousand eight hundred and sixty-five.

Boolundshehur, July 1st, 1859, one thousand eight hundred and fifty-nine.

Allygur, July 1st, 1868, one thousand eight hundred and sixty-eight.

Bijnour, July 1st, 1866, one thousand eight hundred and sixty-six.

Moradabad, July 1st, 1872, one thousand eight hundred and seventy-two.

Budaon, July 1st, 1866, one thousand eight hundred and sixty-six.

Bareilly, July 1st, 1867, one thousand eight hundred and sixty-seven.

Shajehanpore, July 1st, 1868, one thousand eight hundred and sixty-eight.

Muttra, July 1st, 1871, one thousand eight hundred and seventy-one.

Agra, July 1st, 1872, one thousand eight hundred and seventy-two.

Furruckabad, July 1st, 1865, one thousand eight hundred and sixty-five.

Mynpoory, July 1st, 1870, one thousand eight hundred and seventy.

Etawah, July 1st, 1871, one thousand eight hundred and seventy-one.

Cawnpore, July 1st, 1870, one thousand eight hundred and seventy.

Futtehpore, July 1st, 1870, one thousand eight hundred and seventy.

Humeerpore, July 1st, 1872, one thousand eight hundred and seventy-two.

Banda, July 1st, 1871, one thousand eight hundred and seventy-four.

Allahabad, July 1st, 1869, one thousand eight hundred and sixty-nine.

Goruckpore, July 1st, 1859, one thousand eight hundred and fifty-nine.

Azimgurh, July 1st, 1867, one thousand eight hundred and sixty-seven.

II. And it is hereby enacted, that in the said Provinces, Mouzahs, standing transferred on the above date of May 1st, 1846, from Districts or Pergunnahs not permanently settled, to Districts or Pergunnahs permanently settled, shall not be held liable to any increased demand on the part of the Government, but shall be held for ever on the highest Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to 1st May, 1846.

Mouzahs standing transferred on 1st May, 1846, to permanently settled districts, to be held for ever on the highest prior Jummah.

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in Section 1, shall continue to hold them according to the terms of their several grants or leases.

Persons holding on special grants or long Leases, to hold according to the terms.

IV. And it is hereby enacted, that, whenever a Malgoozar may be desirous to relinquish his lease on the expiration of

Malgoozar desirous of relinquishing his

lease may do so, on giving notice within two years of its expiry.

the term of his engagement, he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the Division within one year before the 1st of July immediately preceding the expiration of the engagement.

In default of notice, the Malgoozar to be bound by existing Jummah till revision of Settlement.

V. And it is hereby enacted, that, when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May, 1846, for the period which may be applicable to his case according to Section 1, and subsequently from year to year till the settlement be revised, or in perpetuity according to Section 2.

Government right to demand Revenue from resumed rent-free Land—Towfeer, &c., not to be taxed.

VI. Provided, however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial Towfeer, or other land which was not assessed at the time of settlement.

BOMBAY.

ACT No. IX. OF 1846.

G. in C. may make Regulations for management of Boats and Catamarans, &c. as respects the Madras Roads, &c. subject to confirmation, &c. of G. G. of I. in C.

An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the territories subject thereto.

Whereas Act IV. of 1842, entitled an Act for the better management of Boats and Catamarans, in the Madras Roads, and for the amendment of certain Harbour Regulations, has been found by experience to operate beneficially; and whereas it is expedient that Regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided

for all ports and other places of anchorage within the territories subject to the Government of the Presidency of Fort St. George:

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each port or other place of anchorage within the territories subject to the Government of the said Presidency, such Regulations for the management of Boats and Catamarans and such other matters as are provided for by the said Act IV. of 1812, in respect of the Madras Roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation. And all such Regulations shall be submitted for confirmation or disallowance to the Governor-General of India in Council, and every such Regulation shall have the force of Law after it shall have been confirmed by the Governor-General of India in Council.

ACT No. X. OF 1816.

Repealed by Act X 1859

ACT No. XI. OF 1816.

BOMBAY.

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1 *Removes from the operation of the Bombay Regulations certain villages named in Schedule.*

2. *And places them under the Agent to the Governor in Council.*

3. *G in C. may prescribe rules for the guidance of the Agent and his subordinates and may determine how far the Agent's decisions shall be final*

4. 5. *In appeal cases whether civil or criminal, the Sudder Court shall decide according to rules prescribed for the Agent.*

Schedule.

An Act for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations

Whereas it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency, certain portions of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur:

Removes from the operation of the Bombay Regulations certain villages named in Schedule.

I. It is hereby enacted, that, from and after the First day of February, 1847, so much of Appendix A. of Regulation XXIX. of 1827, of the Bombay Code, as declares the Villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur) subject to the Regulations established for the administration of Civil and Criminal Justice in the Bombay Presidency, be repealed.

And places them under the Agent to the Governor in Council.

II. And it is hereby enacted, that, from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police and the Collection and Superintendence of the Revenues of every description within the said portions of territory shall vest in such Agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

G. in C. may prescribe rules for the guidance of the Agent, and may determine how far his decisions shall be final.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid and of all the Officers subordinate to his control and authority, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Sudder Foujdaree Adawlut.

In criminal cases referred, the Sudder Court

IV. And it is hereby enacted that upon the receipt of any Criminal trials referred by the Agent under the Rules

which may be hereafter prescribed by the Governor in Council, the Sudder Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may, after mature consideration, seem to the Court requisite and proper, in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

shall decide according to rules prescribed for the Agent. Schedule.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewany Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

In civil appeals the Sudder Court to proceed as in appeals from the Zillah Courts.

SCHEDULE.

List of Villages belonging to the Seven Morass Chieftains in the Province of Candeish comprehended in the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah.

Names of Chiefs.	*Inhabited.*	*Uninhabited.*
1. Gunput Sing Wulud Chundrusing Rana of Boodhawul.	Dekatee.	Nuwagaom.
	Hulalpoor.	Somawul Khoord.
	Boodhawulee.	Bho Bhat.
	Khooshguvhan.	Prutappoor.
	Ashté.	Nuwalpoor.
	Khar.	Rajveeta.
	Mendwur.	Kullumbee Veeheer
	Jamleegoora.	Ghoghat.
	Walheree.	Rangur.
	Boodhawul.	Pethapoor.
	Lobabhanee.	
	Somawul Boojrook	
	Muthawul.	
	Sherveé.	
	Ekdhur.	
	Relapera.	
2. Oomed Wulud Luxoomun Parvee of Katee.	Katee.	Khutkoowa.
	Bhugduree.	Bamhungaon.
	Wunwa.	Gullotté Khoord.
	Jamna.	Akul Koowa.
	Beer.	Horapara.
	Samur.	Ankooshee Veeheer.
	Kujal.	Guvhaneé.
	Velkhooree.	Peotee.
	Mogreebar.	Mojra.
	Gorapeebar.	Dhankbaree.
	Nulwunbara.	Kotlee.
	Jagtee.	Muhan.
	Arootee.	Dhobreedeeta.
	Kewuree.	Tullow.

	Names.	Inhabited.	Uninhabited.
21	Oomed Wund Luxoomun Parvee of Katie.—(Continued.)	Chapree.	Cheekhlee.
		Pandhreematee.	Ghora Devee.
		Pimpurkhoota.	Koowa.
		Soorgus.	Kolwee.
		Beejulguvhan.	Kolweechmal.
		Balughat.	Nendwun.
		Vehugee.	Patpara
		Chunwaee.	Kulmunda.
		Balkra.	Wurphullee.
		Gojebara.	Bhutaree.
		Oghanee.	Poke Khara.
		Dunaee.	
		Soorpanwavee.	
		Suree.	
		Kunkal.	
		Koeelee veeheer.	
		Sonachee padee.	
		Kakurpara.	
		Ghutwanee.	
		Rajmohee.	
		Khutas Kharee	
		Khaee.	
		Heeranee.	
		Dab.	
		Dunel.	
		Mooreera	
		Waree.	
		Kudwalee.	
		Gudwanee.	
		Bokharee.	
		Polguvhan.	
		Oomtee.	
		Verle.	
		Pimpunpan.	
		Maeechamal	
		Mogree.	
		Bumbunee.	
		Somkharee.	
		Ras.	
		Ghuttula.	
		Mogra.	
		Moolgee.	
		Bhuikoond.	
		Velee.	
		Oomreeguvhan.	
		Jamlee.	
		Bhagrapan	
		Oomla.	
		Raool K.	
		Sendree.	
		Kookreepadur.	
		Kujanee.	
		Honakhamb.	
		Gulloté Boojrook.	
		Nuwagaon.	
		Gungapoor.	
		Kewara Mohee.	

Names	Inhabited	Uninhabited
3. Wulud Oomed Parvee Paha of Nal	Goolyamba	Nal
		Veerpoor
		Nuwagaon
		Sane Veeheer
		Jeeree Suwur
		Tunuk Molee
4. Wulud Bukhut Parvee Rajh of Singpoor	Singpoor Borjrook	Bubhulpoor
	Singpoor Khoord	
5. Khatri Wulud Nana Walwee Bheel of Guvhale	Guvhale	Pundhreepura
	Bua	Doduv
	Peeheedo	Lalpoor
	Kakrumba	Korkher
	Hatwuywun	Khunkoond
	Morkee	Bukhtun
	Nugur Motee	Pala
	Rajkoora	Bhoovurwo
	Rusungpoora	Kulundhore
	Oodun	Rajne
	Bheereevoa	Khoord Muhoodhure
		Koowurvao
		Tulumba
		Wunkoond
		Koomree
		Khungra Moumba
		Boreeguvhan
		Bhomtee
		Kulumba
		Phoolwuree
		Kelwun
		Bhoee Kunuj
		Dorlee
		Tunwa
		Gotpura
		Toojuv
		Ookhulsur
		Rajneebura
		Ambabar
		Borkee Dokhee
		Mulkee Koond
		Gugrumba
		Lalbhundee
		Joondma
		Morumba
		Kullee
		Gundwun
		Ghora
		Mundura Khoord
		Mundura Boojrook
		Bhegwun

Names.	*Inhabited.*	*Uninhabited.*
5. Khuia Wulud Nana Walwee Bheel of Guvhallee.—(*Continued.*)		Goojee.
		Muhookharee Boojrook.
		Wajpoor.
		Talamba.
		Jamna.
		Shindguvhan.
		Kaniamba.
		Mograpana.
		Kulewurkhoord.
		Rampoora.
		Koonda.
		Joonwun.
		Boogniamba.
		Sheongwun.
		Kaniamba.
		Kondwapara
		Kanapara.
		Kotara.
		Pardee.
		Keoreeba
		Bhooera.
		Guvhan.
		Koradevee
		Jamkhoot.
		Amleeguvhan.
		Mathamba.
		Matha Mogur
		Mata Tana.
		Oodapoor.
6. Koowur Wusawa Wulud Jeewa Wusawa Bheel of Cheekhlee.	Cheekhlee	Jhapa Amlee.
	Jhetreebera.	Khanora.
	Pateepara.	Kokteepara.
	Chatoopara.	Khuyerpara.
	Raneepoora	Chanpoor.
	Khapur.	Oomranee.
	Gungthé	Wurgaon.
	Lugree.	Chotee Runalee.
	Jaolee.	Bramhungaom
	Kolee wara.	Kuvleeguvhan.
	Pulas wara	Bholwur.
	Ooman.	Dhabra.
		Mendee.
		Kenwura.
		Khekwur.
		Dabreeamba
		Augut.
		Rethee.
		Chapteepara
		Rajneewar
		Oomanee
		Nuwagaon.
		Nueen Sevree
		Nevree.
		Oomjia.

Names	Inhabited	Uninhabited
7 Raja Wulud Vesha Parvee		Sojdun Nuwulpoora

ABSTRACT

	Names of Chieftains	Inhabited	Uninhabited	Total Villages
1	Gunput Sing Wulud Chandun Sing Rana of Bhoodwal	16	10	26
2	Oomed Wulud Luxoomun Purvee of Kutee	71	25	96
3	Oomed Wulud Pecha Purvee of Nal	1	6	7
4	Bhunkna Wulud Rula Parvee of Singpoor	2	1	3
5	Khatra Wulud Nana Wulwee Bheel of Gowhallee	11	70	81
6	Koowur Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee	12	25	37
7	Raja Wulud Vesha Purvee	0	2	2
	Total	113	139	252

BENGAL, N. W. P.

ACT No. I. OF 1847.

1. *Authorized Revenue Officers may fix boundaries of fields or estates, and require them to be fixed by owners or occupants.*
2. *Owners, &c. of conterminous fields, &c. to be served with notice to set up or repair marks.*
3. *On default of owners or occupants, Revenue Officers may direct marks to be erected, &c. Costs.*
4. *Penalty of Rs. 50 for wilful erasure of boundary marks.*
5. *Disputed boundaries to be fixed under Reg. VII. 1822 and Reg. IX. 1833.*
6. *Act IV. of 1810 not to apply to such boundary disputes.*

An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal.

Whereas it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes and the identification of lands assessed to, or exempted from, the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of Fields or Estates:

Authorized Revenue Officers may fix Boundaries, and require them to be fixed by owners or occupants.

I. It is hereby enacted, that it shall be lawful within the territories subject to the Government of the North Western Provinces of Bengal, for Collectors of Land Revenue, or persons exercising the powers of Collector, or such Revenue Officers as the Lieutenant-Governor may entrust with that authority, to fix the boundaries of Fields or Estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such Officers sufficient for distinguishing the limits of those Fields or Estates, whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

Owners, &c., of conterminous fields, &c., to be served with notice to set up or repair marks.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous Fields or Estates, requiring them to form or repair the said Boundary

Marks, within ten days from the date of the notice, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or Chopal, or other conspicuous place in the Village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

On default of owners or occupants, Revenue Officers may direct marks to be erected, &c.

III. And it is hereby enacted, that in default of the owners or occupants of the Fields or Estates complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such Boundary Marks, the cost of which shall be equitably apportioned on the Fields or Estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such Fields or Estates, and shall be realized in the same manner as arrears of land revenue.

Penalty of Rs. 50 for wilful erasure of Boundary Marks.

IV. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring such Boundary Marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed or injured; one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark; whenever it may not be possible to detect the person who erased, removed or injured the Boundary Marks as aforesaid, the marks shall be re-erected or repaired at the charge of one or both parties, as the Collector or other Officer authorized to make the demarcation may consider just and equitable.

Disputed boundaries to be fixed under Reg. VII. 1822 and Reg. IX. 1833.

V. And it is hereby enacted, that disputed boundaries shall be fixed by Revenue Officers under the powers and in the manner prescribed in Regulations VII. 1822 and IX. of 1833, and shall be similarly open to appeal.

Act IV. of 1840 not to apply to such boundary disputes.

VI. And it is hereby enacted, that Magistrates are prohibited from taking cognizance, under Act IV. of 1840, of boundary disputes of the nature for which provision is here

made; but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of Land Revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.

GENERAL.

ACT No. II. OF 1847.

The words "H. M.'s Courts of Justice" in Act V. of 1840, not to extend to the Courts of the Justices of the Peace.

An Act to declare the meaning and extent of certain words in Act V. of 1840.

Whereas by Section 4, of Act V. of 1840, it was amongst other things provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's Courts of Justice, and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the Courts of the Justices of the Peace—

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice" in the said Act shall be deemed not to have meant nor extended to, and not to mean nor extend to the Courts of the Justices of the Peace.

ACT No. III. OF 1847.

Repealed by Act XIII. 1856.

MADRAS.

ACT No. IV. OF 1847.

Government may appoint Military Officer as Magistrate, or Assistant Magistrate, and confer on Assistant Magistrate the powers of a Magistrate.

An Act to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate.

It is hereby enacted, that, from and after the First day of May, 1847, it shall be competent to the Governor in Coun-

cil of Fort St. George to appoint any Military Officer in the service of the East India Company, a Magistrate or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, any Law or Regulation to the contrary notwithstanding.

ACT No. V. OF 1847.

NATIVE STATES.

1. *Officers in charge of Jails may give effect to sentence passed by any Criminal Court established by the Government of India, in Native States.*
2. *Warrant of Officer exercising criminal jurisdiction in such States to be sufficient authority for Jailer.*
3. *In case of doubt as to legality of warrant or competency of Officer issuing it, reference to be made to the Government.*
4. *Existing laws as to treatment and security of prisoners to apply equally to prisoners under this Act and to others.*

An Act to facilitate the execution of the sentences of Courts established by the authority of the Governor-General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company.

Officers in charge of Jails may give effect to sentence passed by any Criminal Court established by the Government of India, in Native States.

I. It is hereby enacted that within the territories subject to the Government of the East India Company and without the local limits of the jurisdiction of Her Majesty's Courts of Judicature, the several Officers in charge of Jails shall be competent to give effect to any sentence that may be passed by any Court established, or that may be established, by the authority of the Governor-General of India in Council for the administration of Criminal Justice in States or Territories, administered by Officers acting under the authority of the East India Company, although such States or Territories are not subject to the Government of any of the Presidencies of Fort William in Bengal, Fort St. George or Bombay, or are not subject to the operation of the General Regulations.

Warrant of Officer exercising criminal jurisdiction in such

II. And it is hereby enacted, that a warrant, under the Official Seal and Signature of the officer or officers exercising

States to be sufficient authority for Jailer.

Criminal jurisdiction within such States or Territories as aforesaid, shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond Sea, or for inflicting any other punishment prescribed therein.

In case of doubt as to legality of warrant reference to be made to Government.

III. And it is hereby enacted, that if any Officer in charge of a Jail shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose Official Seal and Signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the prisoner, and that, pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

Existing laws as to treatment and security of prisoners, to apply to prisoners confined under this Act.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

THE STRAITS.

ACT No. VI. OF 1847.

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1. *Acts XXI. of* 1835, *and XXII. of* 1844, *not to apply to the copper currency of the Straits.*
2. *The Copper Coins of the Straits to be a Cent, a Half Cent, and a Quarter Cent.*
3. *Such Coins to be legal tender for certain parts respectively of a Dollar.*
4. *And not otherwise.*
5. *No other Copper Coins to be legal tender.*
6. *Or circulated.*
7. *Penalty of Rs.* 10 *for circulating other Copper Coins.*
8. *The Government of India may direct the coining and issuing of such Coins and prescribe devices.*

An Act for establishing a Copper Currency in the Settlements of Penang, Singapore and Malacca.

Acts XXI of 1835, and XXII of 1844, not to apply to the copper currency of the Straits.

I. It is hereby enacted, that, from and after the date of the passing of this Act, the provisions of Acts XXI. of 1835 and XXII. of 1844, shall not be deemed to apply to Copper Currency of the Settlements of Penang, Singapore and Malacca.*

The Copper Coins of the Straits to be a Cent, a Half Cent, and a Quarter Cent.

II. And it is hereby enacted, that, from and after the First day of January, 1848, the following Copper Coins only shall be received at or issued from any Government Treasury within the said Settlements:

1. A cent, weighing 144 grains troy.
2. A half cent, weighing 72 grains.
3. A quarter cent, weighing 36 grains.*

Such Coins to be legal tender for certain parts respectively of a Dollar,

III. And it is hereby enacted, that, from and after the date of the passing of this Act, the said cent shall be legal tender throughout the said Settlements for $\frac{1}{100}$ of a Dollar, and the said half cent. for $\frac{1}{200}$ of a Dollar, and the said quarter cent. for $\frac{1}{100}$ of a Dollar.

And not otherwise.

IV. Provided always and it is hereby enacted, that none of the said Coins shall be legal tender except for fractions of a Dollar.

No other Copper Coins to be legal tender,

V. And it is hereby enacted, that, after the 1st day of January, 1848, no other Copper Coins or Tokens than those specified in Section 2 of this Act shall be legal tender of payment for the fractional parts of a Dollar within the said Settlements.*

Or circulated.

VI. And it is hereby enacted, that, with the exception of the Copper Coins specified in Section 2 of this Act, the circulation in the said Settlements after the said day of all Copper Coins or Tokens, not being the authorized legal Coinage of any British or Foreign Government, is prohibited.

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* See Act XVII 1855

Penalty of Rs. 10 for circulating other Copper Coins.

VII. And it is hereby enacted, that after the said day any person who shall circulate, or attempt to circulate, in the said Settlements, any Copper Coins or Tokens other than those specified in Section 2 of this Act, and not being the authorized legal Coinage of any British or Foreign Government, shall, on summary conviction before a Magistrate, be liable to a fine not exceeding Ten Rupees, and in default of payment any person so convicted shall be subject to imprisonment for a term not exceeding one month.

The Government of India may direct the coining and issuing of such Coins and prescribe devices.

VIII. And it is hereby enacted, that it shall be competent to the Governor-General in Council, in his executive capacity, to direct the coining and issuing, and to prescribe the devices and inscriptions of the Coins to be issued under the authority of this Act.

CALCUTTA.

ACT No. VII. OF 1847.*

1. *Commissioners to appoint four or more Bailiffs and Appraisers, who shall be sworn and give security, and to fix their remuneration.*

2. *Distress warrant in specified form may be issued on affidavit made in prescribed form by person claiming arrears of rent not exceeding Rs.* 100, *or by his or her attorney.*

3. *Proceedings of Officer executing warrant. Remedy of party distrained upon.*

4. *If application be not made for discharge or suspension of warrant, the goods may be appraised after* 5 *days, and sold after* 2 *days' subsequent notice.*

5. *No costs to be demanded for such distress, except those contained in Schedule C.*

6. *Distress for arrears of rent not exceeding Rs.* 100, *made otherwise than under this Act, to be a misdemeanor.*

7. *Act in what cases not to apply.*

Schedules.

An Act to regulate Distresses for Small Rents in Calcutta.

Commissioners to appoint four or more Bailiffs and Appraisers who shall be sworn and give security, and to fix their remuneration.

I. It is hereby enacted, that it shall be lawful for the Commissioners of the Court of Commissioners for the Recovery

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* See Act IX. 1850, Sec. 1 and Act XXIII. 1850, Sec. 3, and Act XII. 1851, Sec. 7.

of Small Debts in and for the Settlement of Fort William in Bengal to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and to fix such remuneration for the Services of the said officers as shall appear to the said Commissioners expedient, and that such persons shall be duly sworn before the said Commissioners, and shall also give security, to be approved by the said Commissioners, faithfully to discharge the duties of their office, and that the said Commissioners shall have power to suspend or remove such persons so appointed; Provided, that it shall be lawful for the said Commissioners to appoint the Bailiffs who may be attached from time to time to the said Court to the office of Distraining Bailiffs and Appraisers for the purposes of this Act, and to award to the said officers such remuneration, in addition to their respective salaries drawn from the said Court, as to the said Commissioners shall appear expedient.

II. And it is hereby enacted, that it shall be lawful for any Commissioner of the said Court, upon the Affidavit in the Form contained in the Schedule to this Act annexed (marked D.) of any party claiming to be entitled to arrears of rent of any House or Premises situate in Calcutta, not exceeding the amount of 100 Rupees, or in case of absence of such party from Calcutta, or in case of respectable females who do not appear in public, upon the Affidavit of the constituted Attorney of such party, stating the amount of such arrears, and for what time and at what rate the same became due, to issue a Warrant under his hand and seal in the form contained in the Schedule to this Act annexed (marked A) addressed to any one of such officers, directing him to levy the amount of such rent, together with the costs of the said distress, in the manner therein mentioned; Provided, that it shall be lawful for any of the said Commissioners upon personal examination of the party applying for such Warrant, to grant or withhold the same, at the discretion of the said Commissioner.

Distress warrant in specified form may be issued on affidavit made in prescribed form by person claiming arrears of rent not exceeding Rs. 100, or by his or her attorney.

III. And it is hereby enacted, that by virtue of such Warrant it shall be lawful for such officer to seize the whole or

Proceedings of Officer executing warrant. Reme-

dy of party distrained upon.

such part of the Goods and Chattels upon the said premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and that he shall thereupon make an Inventory of the Goods and Chattels so seized, and shall give a Notice in writing in the Form in the Schedule to this Act annexed (marked B.) to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said premises, that the said Goods and Chattels will be appraised and sold in manner therein mentioned. And that the said Officer shall file in the said Court true copies of the said Inventory and Notice; Provided, that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of the said Court to discharge or suspend such Warrant, and it shall be lawful for such Commissioner to discharge or suspend such Warrant accordingly, with or without costs; provided always, that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

If application be not made for discharge or suspension of Warrant, the good may be appraised after five days, and sold after two days' subsequent notice.

IV. And it is hereby enacted, that in default of such application, it shall be lawful for any two of such officers, at the expiration of five days from such seizure, to appraise the Goods and Chattels so seized, and to give Notice in writing in the Form in the Schedule to this Act annexed (marked E.) of the sale thereof, at such time and place as they shall direct, after an interval of not less than two days; and that they shall file in the said Court a true copy of the said Notice, and that the same shall be sold accordingly, and that the said Officers shall forthwith, after realization of the produce of the said sale, pay over the amount thereof to the Chief Clerk of the said Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and that the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due; Provided, that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

No costs to be demanded for such distress except those contained in Schedule C.

V. And it is hereby enacted, that no costs shall be taken or demanded for such distress, except those contained in the Schedule to this Act annexed (marked C.,) and that it shall be lawful for the said Commissioners to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers as shall appear to the said Commissioners expedient, and that the Chief Clerk of the said Court shall keep a Book, in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such distresses, shall be duly entered, and that the Chief Clerk of the said Court shall also enter in the said book all sums realized by sale of the Goods and Chattels distrained and paid over to the Landlords, under the provisions of this Act.

Distress for arrears of rent not exceeding Rs. 100, made otherwise than under this Act, to be a misdemeanor.

VI. And it is hereby enacted, that, after the passing of this Act, *no distress shall be levied for arrears of rent amounting to Rupees 100, or less, except under the provisions of this Act,** and that any person, except such Officer as appointed, levying or attempting to levy any such distress, shall be guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for the same, in addition to any other liability he may have incurred by such trespass.

Act in what cases not to apply.

VII. And it is hereby enacted, that *this Act shall not extend to any arrears of rent exceeding 100 Rupees,** nor in respect of any House or Premises situate out of Calcutta, nor to any rent due to Government nor to any seizure except on the premises in respect of which such rent is claimed.

A.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Form of Warrant.

I hereby direct you to distrain the Goods and Chattels on the Premises of A B., situate in ——— in the Town of Calcutta, for the sum of —— Rs.,

* See Act IX. 1850, Ss. 89, 90.

being the amount of ——— months' rent due to C. D., for the same, on the ——— day of ——— last, *according to the provisions of the Act No. VII. of* 1817,* Dated 1st day of May.

(Signed and Sealed)

To E. F., *Sworn Bailiff and Appraiser.*

B.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Form of Inventory and Notice.

(State particulars of Goods seized.)

Take Notice that I have this day seized the Goods and Chattels contained in the above Inventory for the sum of ——— Rs, being the amount of ——— months' rent due to C. D., at ——— last, and that unless you pay the amount thereof, together with the Costs of this Distress, within five days from the date thereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold, *pursuant to the provisions of this Act No. VII. of* 1817.*

(Signed) E. F.,
Sworn Bailiff and Appraiser.

To A. B.

C.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Scale of Fees to be levied in Distraints for House Rent.

Sums sued for.	*Affidavit & Warrant to Distrain.*		*Order to Sell.*		*Commission.*		*Total.*		*Remarks.*
	Rs.	As.	Rs.	As.	Rs.	As.	Rs.	As.	
1 and under 5 Rs ..	0	4	0	8	0	8	1	4	
5 and under 10 Rs..	0	8	0	8	1	0	2	0	
10 and under 15 Rs....	0	8	0	8	1	8	2	8	
15 and under 20 Rs....	0	8	1	0	2	0	3	8	
20 and under 25 Rs...	0	12	1	0	2	8	4	4	
25 and under 30 Rs...	1	0	1	0	3	0	5	0	
30 and under 35 Rs...	1	0	1	0	3	8	5	8	
35 and under 40 Rs...	1	0	1	8	4	0	6	8	
40 and under 45 Rs...	1	4	2	0	4	8	7	12	
45 and under 50 Rs.	1	8	2	0	5	0	8	8	
50 and under 60 Rs...	2	0	2	0	6	0	10	0	
60 and under 80 Rs...	2	8	2	8	6	8	11	8	
80 to 100 Rs...	3	0	3	0	7	0	13	0	

* See Act IX. 1850. Ss. 89, 90.

The above scale is intended to include all expenses, except in suits where the Tenant disputes the Landlord's claim, and Witnesses have to be subpœnaed, in which case, each Subpœna for sums under Rs. 40, must be paid for at 4 Annas each, and 12 Annas above that amount—and also where Peons were kept in charge of property distrained, 4 Annas per day must be paid per man.

D.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

A B. —— (Plaintiff,)
versus
C. D. —— (Defendant.)

A. B., Inhabitant of —, in the Town of Calcutta, ——— maketh oath and saith, that C. D. ——— who is also an Inhabitant of the Town of Calcutta, is justly indebted to ——— in the sum of Company's Rupees ———, for arrears of rent of the House and Premises No. ——— situated at —, in the Town of Calcutta, due for ——— month, to wit from — to ———, at the rate of Co.'s Rs. ——— per mensem. Sworn before me, the ——— day of ——— 181 ——

Commissioner.

E.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Take Notice that we have appraised the Goods and Chattels seized on the ———, *under the provisions of the Act No. VII. of* 1817, of which a Notice and Inventory had been duly served upon you under date the ———, and that the said Goods and Chattels will be sold on the ——— at ——— pursuant to the provisions of the said Act.

(Signed) E. F.,
G. H.,
Sworn Bailiffs and Appraisers.

To A. B.

MADRAS.

ACT No. VIII. OF 1847.

1. *Legalises Emigration to Mauritius from Madras.*

2. *Madras Government may appoint a Protector of Emigrants; and no Emigrant to embark without a certificate from the Emigration Agent countersigned by the Protector.*

An Act for rendering lawful the Emigration of Laborers from the Port of Madras, in the Presidency of Fort St. George, to Mauritius.

I. It is hereby enacted, that from and after the passing of this Act emigration to Mauritius may lawfully take place *under the provisions of the Act No. XV. of* 1842,* from the Port of Madras as well as from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to nominate a proper person to act as Protector of Emigrants at Madras, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

BENGAL.
L. P.

ACT No. IX. OF 1847.

1. *Future measures for the assessment of new alluvial lands to be taken under this Act.*

2. *Limitation of expression, "province of Orissa."*

3. *Where a revenue Survey is made, the Bengal Government may every 10 years afterwards order a new survey, and new maps.*

4. *The survey of certain specified districts to be deemed to have been approved on the dates specified in this Act, and of other districts on the day specified in Government Gazette.*

* See Act XLIX. 1860, Sec. 2, by which the provisions of Act XV. 1842 with regard to the supply of water are modified.

5. *Deduction from Sudder Jumma how to be made, when it shall appear to the revenue authorities from an inspection of the map that land has been washed away from a rent-paying estate. Deduction to be reported.*

6. *When land shall appear to have been added to such estate, the increments shall be assessed with revenue: assessment to be reported.*

7. *When an inspection of the map shall show that an island has been thrown up, the Local Revenue authorities shall take possession of, and assess and settle the same, and shall report proceedings to the Sudder Board. Party aggrieved may have recourse to a regular suit.*

8. *This Act not to affect suits regarding alluvial lands, now pending in appeal before the special Commissioners, or open to appeal to them.*

9. *No suit to lie against Government or its Officers for any thing done in good faith under this Act.*

An Act regarding the Assessment of Lands gained from the Sea or from Rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.

It is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea or from rivers, by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall from the date of the passing of this Act, cease to have effect within the provinces of Bengal, Behar and Orissa; and that all such investigations, pending before the Collectors and Deputy Collectors in the said Provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

Future assessment of new alluvial lands to be made under this Act.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

Limitation of expression, "province of Orissa."

III. And it is hereby enacted, that within the said Provinces, it shall be lawful for the Government of Bengal, in all districts or parts of districts, of which a revenue survey may

Where a revenue survey is made, Government may every ten years order a

new survey, and new maps.

have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

The survey of certain districts to be deemed to have been approved on the dates specified in this Act, and of other districts on the day specified in Government Gazette.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the undermentioned days, viz.

Of the district of Chittagong on the 6th September, 1842.

Of the district of Behar on the 9th November, 1844.

Of the district of Patna on the 22nd June, 1844.

Of the district of Shahabad on the 28th November, 1846.

Of the district of Sarun on the 18th February, 1847.

Of Pergunnah Furkyah, in the district of Monghyr, on the 19th September, 1839.

Of the Northern division of the Province of Cuttack on the 24th October, 1842.

Of the central division of the Province of Cuttack on the 22nd February, 1843.

Of the Southern division of the Province of Cuttack on the 19th October, 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the 12th September, 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the 5th October, 1842.

Of the district of Cachar on the 5th February, 1844.

Of Jynteeah and the Pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the 5th February, 1844.

Of the district of Gwalparah on the 24th December, 1842.

Of the district of Luckimpore on the 10th November, 1845.

Of the district of Seebpore on the 8th May, 1843.

And that the approval of the revenue surveys of districts or parts of districts which may be hereafter surveyed shall be deemed to have taken place, on such day as may be specified as the day of such approval in the Calcutta Government Gazette.

Deduction from Sudder Jumma how to be made, when it shall appear from the map that land has been washed away from a rent-paying estate.

V. And it is hereby enacted, that, whenever on inspection of any such new map, it shall appear to the Local Revenue Authorities that land has been washed away from or lost to any Estate paying revenue directly to Government, they shall, without loss of time, make a deduction from the Sudder Jumma of the said Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the Mofussil Jumma of the land lost bears to the Mofussil Jumma of the whole Estate; but if the Mofussil Jumma of the whole Estate or of the land lost cannot be ascertained to the satisfaction of the Local Revenue Authorities, then the said Local Revenue Authorities shall make a deduction from the Sudder Jumma of the Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the land lost bears to the whole Estate. And this deduction, with the reasons thereof, shall be forthwith reported by the Local Revenue Authorities for the information and orders of the Sudder Board of Revenue, whose orders thereupon shall be final.

When land shall appear to have been added to such estate, the increments to be assessed with revenue: assessment to be reported.

VI. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the Local Revenue Authorities that land has been added to any Estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue, whose orders thereupon shall be final.

When the map shall show that an island has been thrown up, the authorities

VII. And it is hereby enacted, that whenever, on inspection of any such new map, it shall appear to the Local Revenue Authorities that an island has been thrown up in a large and

shall take possession of, and assess and settle the same, and shall report.

navigable river liable to be taken possession of by Government under Clause Third, Section 4, Regulation XI. 1825, of the Bengal Code, the said Local Revenue Authorities shall take immediate possession of the same for Government, and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon, in regard to the assessment, shall be final. Provided however, that any party aggrieved by the act of the Revenue Authorities in taking possession of any island as aforesaid shall be at liberty to contest the same by a regular suit in the Civil Court.

This Act not to affect suits regarding alluvial lands, now pending in appeal or open to appeal.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment, or for establishing the right of Government to the ownership, of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are, at the date of the passing of this Act, open to appeal to the Court of the Special Commissioners, according to the laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

No suit to lie for any thing done in good faith under this Act.

IX. And it is hereby enacted, that except as regards the proprietary right to islands, no suit or action in any Court of Justice shall lie against the Government, or any of its Officers, on account of any thing done in good faith in the exercise of the powers conferred by this Act.

ACT No. X. OF 1847.

Repealed by Act XVII. 1862.

ACT No. XI. OF 1847.

THE STRAITS.

G. G. in C. may authorize the reception of Convicts from Hong Kong in the Straits' Settlements.

An Act to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong.

It is hereby enacted, that it shall be lawful for the Governor-General of India in Council in his executive capacity to authorize the Governor of Prince of Wales' Island, Singapore and Malacca to receive in the said Settlements, and the Resident Councillors of Prince of Wales' Island, Singapore and Malacca, to receive in each of the said Settlements respectively, Convicts who have been duly sentenced to transportation by any competent Court in Her Majesty's Settlement of Hong Kong, and that every such Convict, when so received at any such place, shall be liable to all such and the same Laws, Rules and Regulations as are or shall be in force in any such place, with respect to Convicts transported from any place within the territories subject to the Government of the East India Company.

ACT No. XII. OF 1817.

BENGAL.

Reg. XXIII. 1814, Sec. 9, Cl 3, which authorizes Judges to fine Moonsiffs and Sudder Ameens repealed.

An Act for repealing the Law which authorizes the imposition of fines on Moonsiffs and Sudder Ameens.

Whereas it was enacted by Clause 3, Section 9, Regulation XXIII. of 1814, of the Bengal Code, that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the Judge should be authorized to impose on the Moonsiff a fine not exceeding Twenty Rupees in amount, and that the order of the Judge in such case should be final:

And whereas, by Section 67 of the said Regulation, the provision above recited, was declared amongst other things to be applicable to the office of Sudder Ameen, as well as to that of Moonsiffs:

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated Judicial position which they now occupy:

It is therefore hereby enacted, that Clause 3, Section 9, Regulation XXIII. of 1814, and Section 67 of the said Regulation, so far as it declares the said Clause to be applicable to Sudder Ameens, are repealed.

GENERAL.

ACT No. XIII. OF 1847.

1. *Repeals Act XIV. of* 1839, *as regards emigration to Ceylon.*
2. *But said Act to remain in force in this respect until G. G. in C. shall notify that sufficient protection has been provided by the G. in C. of Ceylon for such emigrants.*

An Act for repealing Act XIV. of 1839 so far as it relates to the Emigration of Natives of India to the Island of Ceylon.

Whereas by Act XIV. of 1839 it was enacted, that every person who should make with any Native of India any contract for labor to be performed in any British or Foreign Colony without the territories of the East India Company, or who should knowingly abet or aid any Native of India in emigrating from the said territories for the purpose of being employed as a laborer, should be liable, on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees for every Native so contracted with, aided or abetted, and in default of payment of such fine, should be liable to be imprisoned for a term not exceeding three months:

Provided always, that nothing in that Act contained should be taken to apply to any Native Seaman who should of his own free will contract to navigate any Vessel, or who should embark on board such Vessel, in pursuance of such contract,

or to any person who should contract to serve as a menial servant only, or who should embark as such menial servant:

And whereas the Island of Ceylon geographically, historically, and socially considered, is analogous to the countries subject to the Government of the East India Company.

I. It is hereby enacted, that Act XIV. of 1839, in so far as it makes liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the said Island, or who shall knowingly aid or abet any Native of India in emigrating from the territories subject to the Government of the East India Company to the said Island, is repealed.

II. But whereas the said Island is not subject to the Legislative power of the Governor-General of India in Council, so that the said Governor-General in Council is unable to make laws for the protection of such Natives of India as may emigrate to the said Island against the evils which might attend the emigration of such Natives of India from the said Island to any British or Foreign Colony

It is therefore hereby enacted, that this Act shall not come into operation, until the Governor-General of India in Council shall be duly certified that the Legislature of the said Island has made such laws as the said Governor-General in Council shall think sufficient for the protection of such Natives of India so emigrating to the said Island against the evils aforesaid, and shall notify in the Gazette that he has been so certified.

ACT No. XIV OF 1847.

BENGAL.

Parts of Reg IV 1793, Sec 3, and of Reg III 1803, Sec 3, partially repealed

An Act for repealing parts of Section 3, Regulation IV 1793, and Section 3, Regulation III. 1803, of the Bengal Code

It is hereby enacted, that so much of Section 3, Regulation IV. 1793, and of the corresponding part of Section 3, Regulation III. 1803, of the Bengal Code, as requires the transcription of plaints, be repealed.

4 G

CALCUTTA.

ACT No. XV. OF 1847.

1. G. of B. may appoint an officer to Survey Calcutta; such officer to register the name of owners and occupiers, and to invite them by public notification to have their lands surveyed.

2. After notice, Officer may enter or direct entry upon lands.

3. Penalty of Rs. 200 for obstructing survey.

4. If necessary, surveyor may by special notice require attendance and production of documents by owners and occupiers.

5. Surveyor may summon witnesses, who shall be liable to attachment for non-attendance or refusal to answer.

6. Witness when to be examined on oath before the surveyor, and when on solemn declaration.

7. False testimony before surveyor to be perjury.

An Act for the Survey of Lands in the Town of Calcutta, within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature.

Whereas it is expedient that a correct Survey should be made of all lands in the Town of Calcutta within the local limits of Her Majesty's Supreme Court of Judicature:

G. of B. may appoint an officer to survey Calcutta; such officer to register the name of owners and occupiers.

It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an Officer to survey the lands situate within the said local limits, and such Officer shall proceed to survey the same and to register the names of the owners and occupiers thereof, as far as they can be ascertained, and such Officer shall, by public notification, invite all persons owning or occupying lands and tenements within the said local limits to appear before him in person, or by duly constituted attorney, at whatever place within the said limits his office may be held, and to bring with them all Pottahs, Ground Rent Bills, Bills of Sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

After notice, Officer may enter or direct entry upon lands.

II. And it is hereby enacted, that the said Officer shall, for the purposes of this Act, have full power and authority at all seasonable hours in the day time to enter, or to direct his subordinate officers to enter, into and upon any land or tenement within the said local limits, and in and upon the land

on which any house, building, or other erection is built or building, or intended to be built, and into and upon any buildings or any part thereof, without being liable to any action at law or suit in equity, or any other legal proceedings or molestation whatsoever, for or on account of such entry into, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided, that such Officer or subordinate officers shall not enter upon any lands or tenements which may be occupied at the time, unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so. Provided also, that, if any action shall be commenced in the Supreme Court against any such Officer or subordinate officer for any entry made or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue and to give the special matter in evidence.

Penalty of Rs. 200 for obstructing survey.

III. And it is hereby enacted, that, if any person at any time shall obstruct or molest the said Officer or any of his subordinate officers in the performance and execution of his or their duty, or any thing which they are required to do by or by virtue or in consequence of this Act, every such person so offending shall be guilty of a misdemeanour, and shall, on conviction before a Magistrate for the Town of Calcutta, forfeit and pay for every such offence any sum not exceeding 200 Rupees.

Surveyor may require attendance and production of documents by owners and occupiers.

IV. And whereas such notification as is directed by Section 1, of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the Surveying Officer to cause any person owning or occupying lands or tenements within the said local limits, or his agents or representatives, to be served with a special notice, under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him, and the period within which such person is to attend, and if such person cannot be found, the notice

shall be affixed to his usual place of residence, if that be within the said local limits, or if not, then on the premises to be surveyed. Provided always, that no person shall be required to produce any Title Deed which such person may object to produce.

Surveyor may summon wit-

V. And it is hereby enacted, that, for any investigation connected with the purpose of this Act, it shall be lawful for the Surveying Officer, by writing under his hand, to summon any person whatsoever to attend as a witness, at a time and place to be specified in such summons, and that every witness, so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath or solemn affirmation or declaration, or to answer all such questions as the Surveying Officer may legally demand, shall be liable to be attached in the Supreme Court, upon complaint made, in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

Witness when to be examined on oath and when on solemn declaration.

VI. And it is hereby enacted, that any witness examined before such Surveying Officer shall be examined upon oath, which such Surveying Officer is hereby authorized to administer. Provided always, that, in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said Surveying Officer shall substitute such solemn declaration or affirmation for an oath.

False testimony before surveyor to be perjury.

VII. And it is hereby enacted, that any witness, wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation before such Surveying Officer, shall be deemed guilty of wilful and corrupt perjury.

ACT No. XVI. OF 1847.

Repealed by Act X. 1852.

ACT No. XVII. OF 1847.

Repealed by Act X. 1861.

ACT No. XVIII. OF 1847.

BENGAL.

1. *Deeds registered by persons in charge of the office, but not duly appointed, to be deemed validly registered.*
2. *Deeds registered on other than Court days to be deemed validly registered.*

An Act for curing the invalidity in the registration of Deeds, arising from the fact of having been registered by persons not duly appointed or on other than Court days.

Whereas instances have occurred of persons exercising the office of Register of Deeds who have not been duly appointed; and whereas in some cases registration of Deeds has been made on other than Court days, that is on days other than those on which the Zillah or City Court has been open for business, and doubts may therefore arise as to whether the registration of any Deed registered by such persons not duly appointed, or registered on other than a Court day, is valid in law:

I. It is therefore hereby enacted, that acts which may have been done in that capacity, in any Zillah subject to the Presidency of Bengal, by persons who have had charge of the office of Register of Deeds without being duly appointed to the said office, shall be and shall be taken to have always been as valid in law, as such acts would have been if the said persons had been duly appointed to have charge of the said office.

II. And it is enacted, that all acts which may have been done on other than Court days by the Register of Deeds, or by the person having charge of the office without being duly appointed, in any Zillah subject to the Presidency of Bengal, shall be and shall be taken to have always been as valid in law as such acts would have been if they had been done on a Court day.

ACT No. XIX. OF 1847.

Repealed by Act XXIX. 1861.

GENERAL.

ACT No. XX. OF 1847.

Recites doubts whether Copyright can be enforced in India according to the Common Law, or the principles of equity and good conscience, and whether the Statute 5 and 6 Vic. C. 45 applies to persons who are not British subjects.

1. *Copyright in every book published in India after 28th August, 1833, shall endure for forty-two years ; and, if the book be published in the life-time of the author, for seven years after his death, if such period be a longer one. Copyright to belong to the proprietor of the author's MS.*

2. *G. G. in C., on complaint that any book may be withheld from the public by the proprietor after the author's death, may grant a License for publication thereof.*

3. *Registry of Copyrights, and of assignments and licenses affecting the same, to be kept in the office of the Secretary to the Government of India, and to be open for inspection.*

4. *Repealed.*

5. *Proprietor of Copyright may enter in the Register certain particulars in a specified Form, and may assign his interest by an entry in another Form. Such assignment to be as effectual as if made by Deed.*

6. *Party aggrieved by entry in Register may have it expunged by an application to the Supreme Court.*

7. *Any person who, without written consent of proprietor, shall print, or cause to be printed, or have in possession for sale or hire or exportation any book in which there shall be subsisting Copyright, to be liable to an action on the Case, or to a suit for damages.*

8. *In an action in the Supreme Court under this Act, defendant shall specify by written notice the particulars of his defence, and shall not give evidence of objections not so stated.*

9. *In an action in any local Court, the defendant shall specify similar particulars in his answer under similar penalty.*

10. *Any person, publishing on certain terms a periodical work or serial, shall have the same rights as if he were the author, except that the right of publishing separate articles &c. first published in a periodical work shall revert after 28 years to the author ; and, during those 28 years, shall not be exercised by the proprietor without the author's consent, and may be exercised by the author, if reserved by any contract, express, or implied.*

11. *Proprietor of Periodical or Serial work to be entitled to all the benefits of registration under this Act, on making certain entries in the Register.*

12. *Registered proprietor of Copyright may, after demand in writing, sue for damages for detention of all unlawfully printed Copies of registered books.*

13. *Forms of action in Supreme and local Courts respectively.*

14. *Proprietor not to maintain an action under this Act for infringement of any Copyright not registered.*

15. *In the Supreme Courts, a defendant sued for anything done in pursuance of this Act may plead the general issue, and give special matter in evidence; and, if successful, shall have full costs.*

16. *No Civil or Criminal proceedings for breach of this Act to be taken more than twelve months after such breach.*

17. *Contracts made before the passing of this Act to remain in force.*

Schedules 1 *and* 2.

An Act for the encouragement of learning in the territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein.

Recites doubts whether Copyright can be enforced in India according to the Common Law, or the principles of equity and good conscience, and whether the Statute 5 and 6 Vic. c. 45 applies to persons who are not European British subjects.

Whereas doubts may exist whether the right called Copyright can be enforced by the Common Law of England in those parts of the territories subject to the government of the East India Company into which the Common Law of England has been introduced:

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the territories subject to the government of the East India Company:

And whereas, for the encouragement of learning, it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said territories:

And whereas it is doubted whether the Act of Parliament 5 and 6, Victoria, c. 45, entitled *"An Act to amend the Law of Copyright,"* although such Act extends to every part of the British Dominions, has made appropriate and sufficient provisions for the enforcement, in every part of the said territories subject to the government of the East India Company, of the said right by proprietors thereof: and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any person not being subject to the jurisdiction of the Courts established by Her Majesty's Charter·

Copyright in every book published in India after 28th Aug., 1833, shall endure for forty-two years; and, if the book be published in the life-time of the author, for seven years after his death, if such period be a longer one; Copyright to belong to the proprietor of the author's MS.

I. It is therefore hereby enacted, that the Copyright in every book published in the life-time of its author within the said territories, after the passing of the Act of Parliament 3 and 4, Wm. IV. c. 85, entitled "*An Act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian Territories till the 30th day of April, 1854,*" shall endure for the natural life of such author, and for the further term of seven years, commencing at the time of his death, and shall be the property of such author and his assigns: Provided always, that, if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the Copyright shall in that case endure for such period of forty-two years; and that the Copyright in every book published after the death of its author, and after the passing of the Act of Parliament last aforesaid, shall endure for the term of forty-two years from the first publication thereof, and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

G. G. in C. on complaint that any book may be withheld from the public by the proprietor after the author's death, may grant a License for publication thereof.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: It is enacted, that it shall be lawful for the Governor-General in Council, on complaint made to them that the proprietor of the Copyright in any book published after the passing of this Act within the said territories, has, after the death of its author, refused to republish, or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a license to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such license.

Registry of Copyrights, and of Assignments and Licenses affecting the same, where to be kept.

III. And it is hereby enacted, that a Book of Registry wherein may be registered, as hereinafter enacted, the proprietorship in the Copyright of books and assignments thereof, and licenses affecting such Copyright, shall be kept in the office of the Secretary to the Government of India for the Home

Department, and shall at all convenient times be opened to the inspection of any person on payment of Eight Annas for every entry which shall be searched for or inspected in the said book, and that such Officer shall, whenever thereunto reasonably required, give a copy of any entry in such book, certified under his hand, to any person requiring the same, on payment to him of the sum of Two Rupees, and such copies so certified shall be received in evidence in all Courts and in all summary proceedings, and shall be *primâ facie* proof of the proprietorship or assignment of Copyright or license as therein expressed, but subject to be rebutted by other evidence.

IV. *Repealed by Act XVII.* 1862.

V. And it is enacted, that, after the passing of this Act, it shall be lawful for the proprietor of Copyright in any book published after the passing of the said Act of Parliament 3 and 4, Wm. 4, c. 85, to make entry in the Registry Book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the Copyright of the said book, or of any portion of such Copyright, in the form in that behalf given in the Schedule to this Act annexed, upon payment of the sum of Two Rupees to the said Secretary, and that it shall be lawful for every such registered proprietor to assign his interest, or any portion of his interest therein, by making entry in the said Book of Registry of such assignment, and of the name and place of abode of the Assignee thereof, in the form given in that behalf in the said Schedule, on payment of the like sum; and such assignment so entered shall be effectual in law to all intents and purposes whatsoever, without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by Deed.

Proprietor may Register certain particulars in a specified Form, and may assign his interest in another Form.

VI. And it is enacted, that, if any person shall deem himself aggrieved by any entry made under colour of this Act in the said Book of Registry, it shall be lawful for such person

Party aggrieved may have entry expunged by an application to the Supreme Court.

to apply by motion to the Supreme Court of Calcutta, or, if the Court shall not be then sitting, to any Judge of such Court sitting in Chambers, for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a Judge as aforesaid, such Court or Judge shall make such order for expunging, varying, or confirming such entry, either with or without costs, as to such Court or Judge shall seem just, and the said Secretary shall, on the production to him of any such order for expunging or varying any such entry, expunge or vary the same, according to the requisitions of such order.

Any person who, without written consent of proprietor, shall print, &c., or possess for sale or hire or exportation any Copyright work, to be liable to an action.

VII. And it is enacted, that, if any person shall after the passing of this Act print, or cause to be printed, either for sale or exportation, any book in which there shall be subsisting Copyright, without the consent in writing of the proprietor thereof, or shall have in his possession for sale or hire any such book so unlawfully printed without such consent as aforesaid, such offender, if he shall have so offended within the local limits of the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such Court; and, if he shall have so offended in any other part of the territories subject to the government of the East India Company, to a suit in the Zillah Court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there; and if he shall have so offended in any such last-mentioned part of the territories subject to the government of the East India Company in which there is no Zillah Court, to a suit in the highest local Court exercising original Civil jurisdiction in such part of the said territories.

In an action in the Supreme Court, defendant shall specify by written notice the particulars of his defence, and shall not give evidence of ob-

VIII. And it is hereby enacted, that, after the passing of this Act, in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter under the provisions of this Act against any person for printing any such book for sale, hire, or exportation, or for selling, publish-

ing, or exposing to sale or hire, or causing to be sold, published, or exposed to sale or hire, or for having in his possession for sale or hire, any such book so unlawfully printed, the defendant, on pleading thereto, shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such actions was not the author or first publisher of the book in which he shall by such action claim Copyright, or is not the proprietor of Copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the Copyright therein, then the defendant shall specify in such notice the name of the person whom he alleges to have been the author or first publisher of such book, or the proprietor of the Copyright therein, together with the title of such book, and the time when and the place where such book was first published, otherwise the defendant in such action shall not, at the trial or hearing of such action, be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such Copyright as aforesaid, or that he was not the proprietor of the Copyright therein, and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the Copyright therein, than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time, and place of publication, with the title, time, and place specified in such notice.

jections not so stated.

IX. And it is hereby enacted, that, after the passing of this Act, in any such suit or action as last aforesaid brought in any Zillah Court or other local Court as aforesaid, the defendant shall state in his answer all such matters as he means to rely on, and which by the last preceding Section the defendant in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to

In an action in any local Court, the defendant shall specify similar particulars in his answer under similar penalty.

the same consequences for any omission in his answer as a defendant is made subject to by the last preceding Section for any omission in his notice.

Any person publishing on certain terms a periodical work or serial, shall have the same rights as if he were the author, except that the right of publishing separately shall revert after twenty-eight years to the author; and during those twenty-eight years shall not be exercised by the proprietor without the author's consent.

X. And it is hereby enacted, that when any publisher or other person shall, within the said territories, before or at the time of the passing of this Act, but after the passing of the said Act of Parliament 3 and 4, Wm. IV., c. 85, have projected, conducted, and carried on, or shall hereafter project, conduct, or carry on, or be the proprietor of any Encyclopædia, Review, Magazine, Periodical work, or work published in a series of Books or Parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any Volumes, Parts, Essays, Articles, or Portions thereof, for publication in or as part of the same, and such Work, Volumes, Parts, Essays, Articles, or Portions shall have been, or shall hereafter be, composed under such employment, on the terms that the Copyright therein shall belong to such Proprietor, Projector, Publisher, or Conductor, and paid for by such Proprietor, Projector, Publisher or Conductor, the Copyright in every such Encyclopædia, Review, Magazine, Periodical work, or work published in a series of Books or Parts, and in every Volume, Part, Essay, Article and Portion so composed and paid for, shall be the property of such Proprietor, Projector, Publisher, or Conductor, who shall enjoy the same rights as if he were the actual author thereof, and shall have such term of Copyright therein as is given to the authors of Books by this Act, except only that in the case of Essays, Articles, or Portions forming part of and first published in Reviews, Magazines or other Periodical works of a like nature, after the term of twenty-eight years from the first publication thereof respectively, the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always, that during the term of twenty-eight years the said Proprietor, Projector, Publisher, or Conductor shall not publish any such Essay, Article or Portion separately or singly, without the consent previously obtained of the author thereof or his assigns: Provided also, that nothing herein

contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid, to publish any such his composition in a separate form, who, by any contract, express or implied, may have reserved or may hereafter reserve to himself such right, but every author reserving, retaining, or having such right, shall be entitled to the Copyright in such composition when published in a separate form according to this Act, without prejudice to the right of such Proprietor, Projector, Publisher, or Conductor as aforesaid.

Proprietor of Periodical or Serial work to be entitled to all the benefits of registration.

XI. And it is hereby enacted, that the Proprietor of the Copyright in any Encyclopædia, Review, Magazine, Periodical work, or other work published in a series of Books or Parts, shall be entitled to all the benefits of the Registration in the office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said Book of Registry the title of such Encyclopædia, Review, Periodical work or other work published in a series of Books or Parts, the time of the first publication of the first Volume, Number, or Part thereof, or of the first Volume, Number, or Part first published after the passing of this Act, in any such work which shall have been published heretofore and after the passing of the said Act of Parliament 3 and 4, William IV., c. 85, and the name and place of abode of the Proprietor thereof, and of the Publisher thereof when such Publisher shall not also be the Proprietor thereof.

Registered Proprietor may, after demand in writing, sue for damages for detention of all unlawfully printed Copies.

XII. And it is enacted, that all copies of any Book wherein there shall be Copyright, and of which entry shall have been made in the said Registry Book, and which shall have been unlawfully printed without the consent of the Registered Proprietor of such Copyright in writing under his hand first obtained, shall be deemed to be the property of the Proprietor of such Copyright, and who shall be registered as such, and such Registered Proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same or damages for the detention thereof.

Forms of action in Supreme and local Courts respectively.

XIII. And it is enacted, that, if the case be within the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, such Registered Proprietor shall be entitled to sue for and recover such copies, or damages for the detention thereof, in an action of Detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of Trover; and that, if the case be within the jurisdiction of any Zillah Court or other local Court as aforesaid, the Registered Proprietor shall be entitled to sue for and recover such copies or damages for the detention or conversion thereof, in such form as is in use in the said Zillah or other local Courts for the recovery of specific personal property, or damages for the detention or conversion thereof.

Proprietor not to maintain an action for infringement of any Copyright not registered.

XIV. And it is enacted, that no Proprietor of Copyright in any book first published after the passing of the said Act of Parliament 3 and 4, Wm. IV, c. 85, shall maintain, under the provisions of this Act, any action or suit at law or in equity, or any summary proceedings in respect or any infringement of such Copyright, unless he shall, before commencing such action, suit, or proceeding, have caused an entry to be made in the Book of Registry at the office of the said Secretary of such book, pursuant to this Act. Provided always, that the omission to make such entry shall not affect the Copyright in any book, nor the right to sue or proceed in respect of the infringement thereof, except the right to sue or proceed in respect of the infringement thereof under the provisions of this Act.

In the Supreme Courts, a defendant under this Act may plead the general issue, and give special matter in evidence; and, if successful, shall have full costs.

XV. And it is enacted, that, if any action or suit shall be commenced or brought in any of the Courts of Judicature established by Her Majesty's Charter against any person or persons whomsoever, for doing, or causing to be done, any thing in pursuance of this Act, the defendant or defendants in such action may plead the general issue, and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant, or the plaintiff shall become

nonsuited, or discontinue his action, then the defendant shall have and recover his full costs, for which he shall have the same remedy as a defendant in any case by law hath in the said last-mentioned Courts.

No Civil or Criminal proceedings for breach of this Act to be taken after more than twelve months.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations, and other criminal proceedings for any offence which shall be committed against the Act shall be brought, sued, and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect.

Contracts made before the passing of this Act to remain in force.

XVII. Provided always and it is enacted, that nothing in this Act contained shall affect, alter, or vary any right subsisting at the time of passing this Act, except as herein expressly enacted; and all contracts, agreements and obligations made and entered into before the passing of this Act, and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

SCHEDULE.

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name & Place of abode of the Proprietor of the Copyright.	Date of First Publication.

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of the Copyright.
	(Set out the Title of the Book and refer to the page of the Registry Book in which the original Entry of the Copyright thereof is made.)		

BOMBAY.

ACT No. XXI. OF 1847.

1. *One Judge of Supreme Court may sit apart for despatch of Criminal business, at same time as other Judges are sitting in the Supreme Court.*

2. *Court may transact out of term, business which it can transact in term, and all Rules and Orders as to judgment, &c. in term, shall be applicable to such proceedings.*

An Act for the improvement of the administration of Justice and despatch of business in the Supreme Court of Judicature at Bombay.

I. It is hereby enacted, that, from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay, when occasion shall so require, to sit apart from the other Judges, or Judge as the case may be, of the same Court, for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of business in the said Supreme Court, and that all Proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good,

valid, and effectual in the law, to all intents and purposes, as fully as if the said proceedings were had before all the Judges of the said Court, sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business, of what nature or kind soever, which the Supreme Court of Judicature at Bombay may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid, and effectual in the law, to all intents and purposes, as fully as if the said proceedings were had in Term; and that all Rules and Orders of the said Court as to all Judgments, Executions, or other proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions, or other proceedings given, issued, or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

ACT No. XXII. OF 1847

Repealed by Act XIV 1856.

ACT No. XXIII. OF 1847.

GENERAL.

Repeals so much of Act XXXI 1838 as directs term of transportation to be for not less than ten years

An Act for the amendment of Act No XXXI of 1838

Whereas by Act No XXXI. of 1838, Section 17, it is enacted that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for any term not exceeding fifteen years, *nor less than ten years*, or to be imprisoned for any term not exceeding three years:

It is hereby enacted, that so much of the above cited Section of the said Act as enacts that the term of transportation thereby limited *shall not be for less than ten years*, be repealed.

ACT No. I. OF 1818.

Repealed by Act XVII. 1862

ACT No. II. OF 1818.

Repealed by Act XII 1852.

ACT No. III. OF 1818

Repealed by Act XVII 1862

PRESIDENCY TOWNS

ACT No. IV. OF 1818.*

1 *No more than 5 Jurors necessary on an Inquest in the Presidency Towns*

2 *Fine of Rs 50 may be imposed on Jurors summoned and neglecting to attend. Coroner's certificate of fine to be transmitted to the Magistrate and enforced by him.*

3. *Inquisitions not to be quashed on account of certain technical defects*

4 *Coroner may appoint a Deputy, subject to approval by the Governor and may revoke the appointment. Deputy's acts to be deemed those of the Coroner*

An Act for regulating Coroner's Juries.

No more than five Jurors necessary on an Inquest.

It is hereby enacted, that, from and after the First day of May, 1818, on all Inquests to be held by the Coroners of Calcutta, Madras, or Bombay, no greater number than five Jurors shall be necessary, and that every finding of a Jury consisting of five Jurors shall be, to all intents and purposes, as good, valid, and effectual in law, as if such finding had been the finding of twelve Jurors.

Fine of Rs. 50 may be imposed on Jurors summoned and neglecting to attend. Coroner's certifi-

II. And it is hereby enacted, that, when any person shall have been duly summoned to attend as a Juror by any of the

* Extended to the Straits' Settlements by Act XXVI. 1818.

said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his Court three times to appear and serve as a Juror, and upon the non-appearance of such person, and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding Fifty Rupees, as to such Coroner shall seem fit, and such Coroner shall make out and sign a Certificate, containing the name and surname, the residence and trade or calling of every person so making default, together with the amount of the fine which shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the Magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid, and thereupon such Magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

cate of fine to be transmitted to the Magistrate and enforced by him.

III. And whereas it is expedient to make provisions for supporting Coroner's Inquisitions, and for preventing the same from being quashed on account of technical defects.

Inquisitions not to be quashed on account of certain technical defects.

It is therefore hereby enacted, that no Inquisition found upon or by any Inquest of any of the said Coroners, nor any judgment recorded upon or by virtue of any such Inquisition, shall be quashed, stayed, or reversed for want of the averment therein, of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the Statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed, when time is not of the essence of the offence, nor for stating the time imperfectly,

nor because any person or persons mentioned in any such Inquisition is or are designated by a name of office or other descriptive appellation instead of his, her, or their proper name or names, nor by reason of the non-insertion of the names of the Jurors in the body of any such Inquisition, or of any difference in the spelling of the names of any of the Jurors in the body of any such Inquisition and the names subscribed thereto, nor because any Juror or Jurors shall have set his or their mark or marks to any such Inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian name or names, or other name or names which is not or are not a family name or names, by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in case of murder or manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the Inquest, and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of Her Majesty's Supreme Court at the Presidency at which such Inquest shall have been held, if he shall so think fit, upon the occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

Coroner may appoint a Deputy, subject to approval by the Governor and may revoke the appointment. Deputy's acts to be deemed those of the Coroner.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras, and Bombay, from time to time, to appoint, by writing under his hand and seal, a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the

Coroner, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner, under and by virtue of any such appointment, shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided, that no such Deputy shall act for any such Coroner except during the illness of the said Coroner, or during his absence for any lawful and reasonable cause. Provided also, that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

ACT No. V. OF 1818.

Repealed by Act XVII. 1862.

ACT No. VI. OF 1818.

GENERAL.

1, 2. *Imports and Exports by Sea on Foreign Bottoms to be charged only as same goods imported on British Bottoms.*

3 *Exports from one port of British India to another not dutiable.*

4. *Act not to apply to Salt or Opium.*

An Act for equalizing the Duties on goods imported and exported on Foreign and British Bottoms, and for abolishing duties on goods carried from port to port in the territories subject to the Government of the East India Company

Imports on Foreign Bottoms to be charged only as imports on British Bottoms.

I. It is hereby enacted, that from and after the Twenty-fifth day of March, 1818, all goods imported on Foreign Bottoms by Sea *into any port of* the Presidencies of Fort William in Bengal, Fort St. George, or *Bombay*,* shall be charged only with the same rates of duty as such goods would now by law be charged with, if such goods were imported into any of the said ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

* The Port of Aden is not to be taken to be within this Act. See Act X 1850.

Exports on Foreign Bottoms to be charged only as exports on British Bottoms.

II. And it is hereby enacted, that, from and after the said day, all goods exported on Foreign Bottoms by Sea, *from any port of the said Presidencies*, shall be charged only with the same rates of duty as such goods would now by law be charged with, if such goods were exported from any of the said ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

Exports from one port of British India to another not dutiable.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any goods lawfully carried from any port in the territories subject to the Government of the East India Company to any other port in the said territories, any thing in any Act of the Council of India contained to the contrary notwithstanding.*

Act not to apply to Salt or Opium.

IV. Provided always, that nothing in this Act contained shall apply to the Articles of Salt or Opium.

ACT No. VII. OF 1848.

1. *Provision of Sec. 3. Act No. VI. 1848, not to apply to goods exported from territories of E. I. C. to Straits of Malacca, Tenasserim Provinces, or Arracan, nor to imports from these places to the said territories.*

2. *No drawback to be allowed on re-export of goods to which Sec. 3, of Act VI 1848 extends.*

An Act to except certain free Ports from the operation of Section 3, Act No. VI. of 1848, and otherwise to amend that Act.

I. In modification of Section 3, Act No. VI. of 1848, it is hereby enacted, that the provisions of the said Section shall not apply to goods exported from any part of the Territories subject to the Government of the East India Company, to any of the ports in the Straits of Malacca, *or to any of the ports in the Tenasserim Provinces, or to any of the ports in the Province of Arracan, nor to goods imported from any of those ports into any port of the said Territories.*†

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* This Section was modified as to certain parts by Section 1, of the following Act, but such modification was itself partially repealed by Act XXX. 1854.

† The words in Italics are repealed by Act XXX. 1854.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of goods from any port in the territories subject to the Government of the East India Company to any other port in the said territories, to which the operation of Section 3, Act No. VI. of 1848, may extend.

ACT No. VIII. OF 1848.

Repealed by Act X. 1859

ACT No. IX. OF 1848.

Repealed by Act XXVIII 1856.

ACT No. X. OF 1848.

BOMBAY.

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1. *The lapsed state of Mandvee to be subject to the laws in force in the Presidency of Bombay.*

2. *Civil Courts not to take cognisance of claims for damages against persons lately in authority or against Government for Enams, Jagheers, or Revenue claims on account of Village debts, boundaries or wells.*

Schedules of the boundaries of the State and the Towns and Villages composing it.

An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay.

Whereas the State of Mandvee has lapsed to the British Government:

I. It is hereby enacted, that, from and after the First day of May, 1848, the lapsed State of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the territories subject to the Presidency of Bombay. The lapsed state of Mandvee to be subject to the laws of the Presidency of Bombay.

II. And it is hereby enacted in modification of Section 21, Regulation II. of 1827; of Section 6, Regulation XVI. of 1827; and Sections 9, 16, 31, and 49, of Regulation XVII. Civil Courts not to try claims for damages against persons lately in authority, or against Govern-

ment for Enams, Jagheers, &c., or Revenue claims, or claims on account of Village debts, boundaries or wells.

of 1827, that suits on the following subjects shall not be cognisable by the Civil Courts within the said lapsed State of Mandvee :

1st. All claims for damages against persons in authority under the late Government for abuse of power during that period.

2d. All claims against Government on account of Enams.

3d. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th. All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District, or Village Officers.

5th. All claims on account of Village debts, or Village boundary disputes, and disputes regarding the use of wells and water courses.

Governor may exempt from the jurisdiction of the Courts certain relatives of the late Rajahs.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be, and is hereby empowered to exempt from the jurisdiction of the Civil and Criminal Courts, the widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an Agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the East by Punch Motee Purgunnah, belonging to His Highness the Guicowar.

On the West, by Turkeswur Purgunna of the Surat Zillah, and Gullah Purgunna belonging to His Highness the Guicowar.

On the North, by Kusravee and Nausur Purgunnas belonging to His Highness the Guicowar, and Koondha Purgunna belonging to the Raja of Rajpeepla.

On the South, by Timbah Beearah and Soonghur Purgunnas belonging to His Highness the Guicowar, and Kurod and Walore Purgunnas of the Surat Zillah.

It comprises the undermentioned Towns and Villages 162.

Town of Mandvee situated on the North Bank of the Taptee River.

Purgunna Soowanaiah.

1 Kherpor.
2. Kakurwa.
3. Poonah.
4. Ooon.
5. Oosked.
6. Umul Saree.
7 Ghorsumba.
8. Gamtulao Boojgur.
9. Godawaree.
10. Boree
11. Nundpor
12. Khuralee.
13. Oomersaree, J.
14. Cosaree, J.
15 Kumlapor, J.
16. Vureth.
17. Kakrapar.
18 Bulunga
19. Peepulwara.
20. Kanaghat
21. Undhatree.
22. Hurrepor
23 Gangpor Hursud
24 Dudwara
25 Berdha
26 Bhat Khae.
27. Surkooee
28 Umulwan.
29. Jetpo
30. Keodee, E
31. Kurootha, E.
32. Zhuree.
33. Umulchoonee, J.
34. Velunghur,
35. Ambapor, J.
36. Lakhakhan.
37. Wensala.
38. Katkoowa, J.
39. Rukhus Khuree.
40. Kurwutee.
41. Hurunwao.
42. Kheempor.
43. Chandpor, J.
44. Rukhwao
45. Mugutroo.
46. Khaturdevee.
47. Khurgam.
48. Goondwan.
49. Bulalteeruth
50 Roondha.
51 Muhoodee.
52 Gangpor Dewah Ranah
53. Makungur
54 Deoghuree, J.
55 Lundha.
56. Tarapor
57 Maldhr
58. Joonwan, J
59 Keemdoongri
60 Larkoowa.
61 Chorsumba, J
62 Esur
63 Patrwnee
64 Deoghur
65. Undhrwuee.
66. Kunujwan J.
67. Dhuj.
68 Dhujamba.
69. Kolkhuree.
70. Looharwur.
71. Buletter.
72. Solee.
73. Puterkooee.
74. Jamkooee.
75. Peepulwan.
76. Bhoondha.
77. Amlee.
78. Surapara.
79. Limbaree.
80. Chelwas.
81. Gungapor.
82. Jamunkoowa.
83. Peechurwan.
84. Undhatree.
85. Sursee.
86. Bhensee.

87. Jhuree.
88 Burtul.
89 Sutwaro
90 Gomukhuree
91 Gumtulao Khoord
92 Tursurah Khoord.
93 Kulumkoowa
94 Khurera
95 Foolwaree.
96 Gordhra
97 Veesdheeva.
98. Vagnera
99 Guntolee
100 Roopun
101 Vulughun
102. Saluja
103 Mooreethra
104 Kaleebel.
105 Teeto e
106 Regum
107 Dadaheoee
108. Purwut
109 Khor Amla
110 Kalmee
111 Patul
112 Kumlasotee
113 Kelsmoo
114 Looked
115 Mulhul Kooee I
116 Oont wah
117 Jhal
118 Chorol
119 Kusul
120 Tulee
121 Pudee
122 Ambah
123 Kurwulee
124 Bodhan
125 Muthasroo
126 Vurelee
127 Patna
128 Keodyoon
129 Peepultha
130 Tukwarah
131 Oomerwun
132 Vurod
133 Nougamah
134 Kolakooee
135 Dhurumpor
136 Togapor
137 Oosked
138 Khampor
139 Rohenee
140 Untrole
141 Baneegda
142 Jhurpur
143 Taeth
144 Veohee
145 Nuryn
146 Guwahee
147 Khunjolee
148 Khaler
149 Peepureeyar J
150 Tursura
151 Jumunkoowa
152 Vunjakhund
153 Jhakla
154 Beerama
155 Sadree
156 Rutuneeva
157. Vaseegam
158 Nameecher
159 Mooteecher
160 Vanklah
161 Rajwur
162 Rajpoora Loombha

ACT No. XI OF 1818

Repealed by Act XVII 1862

ACT No. XII. OF 1848.

CALCUTTA.

1, 2. All proceedings heretofore had, or hereafter to be had under certain recited proclamations, and all powers given thereby, legalized.

3. Commissioners may sit apart and hold one, two, or three Courts concurrently.

4. All existing rules, orders, forms and tables legalized.

5. And also all process.

An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

Whereas the jurisdiction of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal hath been exercised under colour of a Proclamation made by the Vice-President of Fort William in Bengal in Council, with the approval of the Governor-General of the said Presidency, bearing date the 18th day of March, 1802, and of another Proclamation made by the Governor-General of the said Presidency in Council, bearing date the 25th day of September, 1813, and of another Proclamation made by the Governor-General of the said Presidency in Council, bearing date the 29th day of October, 1819: And whereas doubts have arisen as to the legality of the said last two Proclamations and of all that has been done or may hereafter be done in pursuance thereof: And whereas doubts have also arisen whether the powers giving to the Commissioners of the said Court by the first of the said Proclamations are, by the terms of the said third Proclamation, effectually extended to the matters over which jurisdiction is thereby declared to be given to the said Court of Commissioners, and it is expedient to remove such doubts: And whereas the Rules, Orders, and Regulations for the direction of the process and practice of the said Court, which have been established in and by the said Court have not been allowed, printed or published as directed by the said first Proclamation, and it is expedient to ratify and confirm the same notwithstanding such omission: And whereas the said Commissioners have been accustomed to sit separately and to form separate Courts sitting at the same time, or at different

times, and it is also expedient to establish, as well prospectively as retrospectively, the legality of that practice,—It is enacted as follows:

All proceedings past and future under certain recited proclamations, legalized.

I. All proceedings heretofore had, or hereafter to be had, in pursuance of and in conformity with the said Proclamations, or any of them, by the said Commissioners, or any person or persons acting under their authority, shall be deemed to have been, and to be, valid in law to all intents and purposes whatever, and against all persons and bodies corporate whomsoever.

Powers given thereby legalized.

II. All the powers and authorities declared to be given to the said Commissioners by the said first Proclamation shall extend to, and be exercised in respect of, and shall be deemed to have heretofore extended to, all matters which in and by the several Proclamations, or any of them, the said Commissioners were authorized to hear and determine.

Commissioners hold one, two, or three Courts concurrently.

III. All proceedings heretofore had by any Commissioner or Commissioners of the said Court, whilst sitting apart from the others or other of them, or by any person or persons under his or their authority, shall be deemed to have been as valid in law to all intents and against all persons and bodies corporate whomsoever, as if all the said Commissioners had been sitting together in the said Court of Requests, and such Commissioners may henceforth sit either all together or apart, and may hold one Court or two or three separate Courts, sitting at the same time, or at different times, in like manner as they have been heretofore accustomed to do.

All existing rules, orders, forms and tables legalized.

IV. All rules, orders, forms of procedure, and tables of fees now used or established in the said Court shall be deemed to be, and to have been from the time of their being first used or established respectively, valid in law, to all intents, notwithstanding the omission to procure the allowance by the Supreme Court of Judicature of such of the same as should have been so allowed, and notwithstanding the non-printing and non-publication of such of the same as should have been printed and published.

V. All summonses and other process issued by the said Commissioners, or any of them, whether issued before or after the passing of this Act, shall be deemed to be valid and effectual in the law on whatsoever day the same shall have been made returnable. **And also all process.**

ACT No. XIII OF 1848.

BENGAL.

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1. *Suits for contesting any award made by the Revenue Authorities before the passing of this Act, to be brought within 12 years from date of award.*

2. *But not after the expiration of three years from passing of this Act.*

3. *Awards subsequent to this Act, not to be contested after three years from date.*

For limiting the time within which a Suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.

For the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue Authorities under Regulation VII of 1822, Regulation IX of 1825, and Regulation IX of 1833, of the Bengal Code. It is enacted as follows :

I. No suit shall be entertained in any Court for contesting the justice of any award, made before the passing of this Act by the Revenue Authorities under any of the recited Regulations, after the expiration of twelve years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act, after the expiration of three years from the date of the final award.*

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* See Act XIV 1859, Sec. 1 Cl. 6, which is to the same effect as this provision.

CALCUTTA.

ACT No. XIV. OF 1818.

1 *Court may issue Commissions to take affidavits and affirmations.*
2. *Affidavit &c taken under Commission to be deemed taken in the Court.*
3. *Penalty for making an untrue affidavit &c. under Commission to be the same as if it had been taken in Court.*

To enable the Supreme Court of Calcutta to issue Commissions for taking Affidavits.

Whereas doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea side of the Court, under the Charter of that Court, to grant a Standing Commission to take affidavits, or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires. It is enacted as follows:

I. After the passing of this Act, the said Court shall have power to issue a Commission or Commissions from time to time under the Seal of the said Court, to such person or persons as the said Court shall think fit to name therein, empowering him or them, or any one or more of them, to take affidavits, and solemn affirmations in any cause or other proceeding in the said Court, now or hereafter to be depending, or with the intent to substitute any proceeding whatever in the said Court.

II. Every Affidavit or solemn affirmation so taken shall be deemed to be taken in the said Court, and shall render the person or persons taking the same liable to payment of the same fees (if any), to be received and accounted for in the same manner, as in the case of an affidavit or solemn affirmation made and taken in Court.

III. Every person so making any affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such affidavit or solemn affirmation had been made and taken in open Court.

ACT No. XV. OF 1818.

SUPREME COURTS.

1. *No Officer of Court to accept any gift or reward other than his legal salary for an official act, nor to hold any office in any Bank &c. or be concerned in any dealings as a banker, trader, &c.*

2. *Act not to apply to any Officer who is also a practising Advocate or Attorney, nor to any Advocate, Attorney, &c. who is merely for some purposes an Officer of the Court.*

3. *An Officer may hold an unpaid office in a Society for Charitable Purposes.*

4. *Penalty for offence against this Act, deprivation of Office, or fine and imprisonment.*

An Act to forbid trading by the Officers of the Supreme Courts.

For the better discharge of their duties by the Officers of the undermentioned Courts of Justice, It is enacted as follows—

No Officer to accept any gift or reward other than his legal salary, or hold office in any Bank, &c., or deal as a banker, trader, &c.

I. No Officer of any of the Courts of Judicature established by Royal Charter within the territories subject to the Government of the East India Company, or of any Court established for the Relief of Insolvent Debtors within the said territories, shall, directly or indirectly, by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his Office other than his legal salary and fees and profits of office, or hold any office in any Bank or Public Company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader, or as agent, factor, or broker, either for his own advantage or for the advantage of any other person or persons, except such dealings as it may be part of the duty of any such Officer by virtue of his office to carry on.

Act not to apply to certain Officers.

II. This Act shall not be construed to forbid any Officer of any of the said Courts, who is also a practising Advocate, Attorney, Solicitor, or Proctor in any of the said Courts, from taking the usual fees and emoluments of Advocates, Attorneys, Solicitors or Proctors, nor to apply to any Advocate, Attorney, Solicitor, Proctor, Sheriff, Assignee, Receiver, or Committee,

so far as he is held to be in that capacity merely for some purposes an Officer of any of the said Courts.

An Officer may hold an unpaid office in certain Societies.

III. This Act shall not be construed to forbid any Officer of any of the said Courts from holding any unpaid office in any Society for charitable purposes, or for the advancement of knowledge, or for the encouragement of Science, Art, or Manufactures.

Penalty for offence against this Act, deprivation of office, and fine and imprisonment.

IV. Every Officer of any of the said Courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his office, and also, by the sentence of the Court before which he shall be convicted, may be declared incapable, and in that case shall become incapable, of being appointed to the same or any other office of the same Court, or to serve Her Majesty or the East India Company in the territories under the Government of the East India Company, or in such part of the said territories as shall be specified in the sentence, or, in the discretion of the Court, may be otherwise punished by fine, or fine and imprisonment for his misdemeanour, as to the Court shall seem fit, regard being had to the nature of his offence.

BENGAL.

ACT No. XVI. OF 1818.

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1. *Five Sections of Reg. X.* 1819, *and Sec.* 2, *Reg. X.* 1826, *repealed.*
2. *From 1st August,* 1818, *Salt may be imported, duty free, from other Provinces of the same Presidency.*

An Act to remove certain restrictions on the Salt Trade.

Whereas the Salt Trade on the North Western Provinces is burdened with unnecessary restrictions—It is enacted as follows:

I. Sections 19, 50, 85 and 93, of Regulation X. of 1819, of the Bengal Code, and so much of Section 48, of the same Regulation, as affects the importation of Salt from the North Western Provinces into the other Provinces of the Presidency

of Bengal, also Section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the First day of August in this year.

II. After the said First day of August, no Customs Duty shall be leviable upon Salt imported into the said North Western Provinces from the other Provinces of the said Presidency

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ACT No XVII OF 1848

MADRAS

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1 *Reg VI 1816, S 16, and S 57, cl 2 and Reg II 1834, Ss 4, 5 repealed*

2 *So much of Reg XIII 1816 and Reg VII 1818 Sec 7 as relates to the levying of stamp duties instead of Institution Fees extended*

3 *If suit be dismissed on application of the parties Plaintiff to have a certificate of the amount of stamp duty paid on Plaint*

4 *Collector to return half or the whole duty according to the period of dismissal*

An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and for refunding Stamp Duties on plaints in certain cases

Whereas it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties, It is enacted as follows—

I Section 16, and Clause 2, Section 57, Regulation VI. 1816, and Sections 4, and 5, Regulation II 1834, of the Madras Code, shall be repealed from the First day of September in this year

Regulations repealed

II. From and after the said First day of September, so much of Regulation XIII 1816, and Section 7, Regulation VII. 1818, of the Madras Code, as relates to the levying of

Regulations repealed.

Stamp Duties instead of Fees on the institution of Civil actions, shall be applicable to the Courts of District Moonsiffs in the Presidency of Madras.

If suit be dismissed on application of the parties, Plaintiff to have a certificate.

III. Whenever a suit pending in any Civil Court within the territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the Court a Certificate, stating the amount of Stamp Duty paid on the Plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

Collector to return half or the whole duty according to the period of dismissal

IV. On presenting any such Certificate to the Collector of the District within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said Stamp Duty, if the Certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of said Stamp Duty; Provided always there be no exception taken to the paper or endorsement thereon.

BOMBAY

ACT No. XVIII. OF 1818.

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1. *No writ or process to be sued out against the person or property of the 7 persons, belonging to the family of the late Nawab of Surat, named in the Schedule*

2. *G. in C. may administer the property left by the late Nawab, and such administration shall not be questioned in any Court.*

3 *Period of limitation for bringing actions*

4 *Abrogates the general law of registration of deeds in favor of deeds registered within 6 months, and conveyed by certain persons before the passing of this Act*

An Act for the Administration of the Estate of the late Nawab of Surat, and to continue privileges to his family

Whereas it is expedient to provide for the administration of the Estate of the late Nawab of Surat, Meer Ufzoolooddeen

Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor; and whereas the exemption from the jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nawab and his relations and servants, by virtue of the Treaty concluded between the East India Company and the said late Nawab on the 13th May, 1800, recognized and confirmed by Clause 2, Section 21, Regulation II 1827, and Clause 2, Section 1, Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nawab, and it is deemed expedient that some of the said persons should continue to be privileged,—It is enacted as follows

I. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nawab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained, such consent to be signified by the signature of one of the Secretaries to Government, and any writ or process sued forth or prosecuted against the person, goods, or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void

No writ, &c, to be sued out against seven persons of the family of the late Nawab of Surat

II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late Nawab of Surat, in regard to the settlement and payment of the debts and claims standing against the estate of the said late Nawab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nawab, shall be liable to be questioned in any Court of Law or Equity.

G in C. may administer the property left by the late Nawab

III The limitation of time for bringing suits in the Civil Courts, provided in Regulation V. 1827, of the Bombay Code, shall be held, in respect to all persons within the provisions of Clause 2, Section 21, of the said Regulation II. 1827,

Period of limitation for bringing actions.

to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act: subject to this provision, that no suit by or against any of the said persons shall be entertained in any Civil Court, on account of any cause of action which arose at a time preceding the death of the said late Nawab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

Exception to the general law of registration of deeds.

IV. Deeds registered under the provisions of any Act passed by the Governor-General of India in Council shall not, on the sole ground of priority of registration, invalidate Deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said Clause 2, Section 21, Regulation II. 1827; Provided that such last mentioned Deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

Badsah Begum, ...	Widow	the late Nawab.
Ameerool Nissa Begum,......	Widow	
Meer Juffer Ali, ...	Son-in-law	
Zeeaool Nissa Begum, ...	Granddaughter	
Ruheemool Nissa Begum, ...	Granddaughter	
Meer Moeenoodeen Khan....	Buckshee	
Meer Kumroodeen Unlud Shumsooddeen.		

ACT No. XIX. OF 1848.

Repealed by Act XVII. 1862.

ACT No. XX. OF 1848.

BENGAL.

1. *Collector may impose a daily fine of 50 Rs., recoverable in same manner as arrears of revenue, on any Proprietor or Farmer who shall not attend when duly summoned, or shall not furnish accounts or documents.*

2. *The Collector to report to Commissioner of Revenue every fine imposed, and also from time to time the amount levied.*

3. *Appeals to lie from Collector's order to the Commissioner, but not to suspend the levy of the fine.*

4. *Not more than Rs. 500 to be levied without authority from the Commissioner.*

5. *Act not to repeal the power of imposing daily fines, given by several Regulations.*

6. *Interpretation of the word "Collector"*

7. *Act not to extend to N. W. Provinces*

An Act for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency.

Whereas, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his officer or agent to attend, or to furnish the accounts or documents required, and shall not show sufficient cause for such omission; and it is further provided that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue; and whereas, in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond what would be necessary, if summary power were given to the Officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority,—It is enacted as follows:

Proprietor or Farmer who shall not attend when summoned, liable to daily fine of Rs. 50.

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not show sufficient cause for such omission, the Collector may impose, of his own authority, such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of Fifty Rupees: and the amount of such fine accruing due from time to time may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

The Collector to report every fine imposed.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

Appeals to lie from Collector's order to the Commissioner.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

Not more than Rs. 500 to be levied without authority from Commissioner.

IV. Whenever the amount levied under any such order, issued for any default by authority of a Collector under this Act, shall have exceeded Five Hundred Rupees, the Collector shall report the case specially to the Commissioner of Revenue; and no further levy for such default shall be made, otherwise than by authority of the Commissioner of Revenue.

Act not to repeal the power of imposing daily fines, given by several Regulations.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines, and of levying the fines so imposed, in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector. **Interpretation.**

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal. **Act not to extend to N. W. Provinces.**

ACT No. XXI. OF 1818.

SUPREME COURTS.

1. *All agreements by way of wagering to be null and void, and no suit to be allowed for money won or deposited on a wager.*
2. *Abolishes feigned issues in Supreme Court as on wagers.*

An Act for avoiding Wagers.

Whereas it is expedient to discourage gaming and wagering for money,—It is enacted as follows:

I. All agreements, whether made in speaking, writing, or otherwise, by way of gaming or wagering, shall be null and void: and no suit shall be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person to abide the event of any game, or on which any wager is made.

II. The several Courts of Justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise as well of the Equity, or Admiralty, or any other jurisdiction as of the Common Law jurisdiction of the Court, may issue summonses to witnesses, and cause them to be examined orally in open Court as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the Court before the passing of this Act.

SUPREME COURTS.

ACT No. XXII. OF 1848.

1 *In Indictments, &c. for forgery, forged writing may be described as in indictment for stealing it, and need not be exactly set forth.*

An Act to simplify Indictments for Forgery.

For better avoiding the failure of justice in Criminal proceedings for Forgery, It is enacted as follows:

I. In any information or indictment laid or brought in the Courts established by Royal Charter, for forging, or in any manner uttering any forged instrument or writing, it shall not be needed to set forth any exact copy thereof; but it shall be enough to describe such forged instrument or writing, in such manner as would sustain an indictment for stealing.

ACT No. XXIII. OF 1848.

Repealed by Act XXI. 1856.

ACT No. XXIV. OF 1848.

Expired.

MADRAS

ACT No. XXV. OF 1848.

1 *Agent to Governor of Madras to cease to have authority in Bunganapilly.*

2. *Act not to affect the past proceedings of the Agent.*

3. *Nor the authority of the Sudder Court as to cases already referred to it by the Agent, or as to appeals from Agent's decrees prior to 1st January, 1848*

4. *Agents not to be liable to account in any Court of Justice after having accounted to the Government.*

5. *Act not to affect the authority of the E. I. C. or of the Crown.*

An Act for Restoration of the Jagheer of Bunganapilly.

Whereas by Act X. 1843, the administration of justice and collection of the revenue in the districts of Kurnool and

Bunganapilly were vested in an Agent appointed by the Governor of Fort St. George in Council; and it is now deemed expedient to restore the Jagheer of Bunganapilly, to be holden by the Jagheerdar, subject to the same conditions and reservations as heretofore, it is enacted as follows :

I. On the First day of January, 1849, the authority of the Agent of the Governor of Fort St. George, appointed under Act X. 1843, shall cease as to the district of Bunganapilly; and no Agent shall thereafter be appointed for Bunganapilly under that Act.

Agent to Governor to cease to have authority in Bunganapilly.

II. All lawful proceedings of the said Agent and his Assistants before the said First day of January shall stand good.

Act not to affect the past proceedings of the Agent.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials referred by the Agent before the said First day of January, and as to appeals from any decree made by the Agent before the said First day of January, as if his authority had not ceased in the said district; and their judgments and orders shall be executed in the same manner.

Nor the authority of the Sudder Court as to cases already referred or appeals prior to 1st Jan., 1848.

IV. When the Agent shall have duly accounted to the Governor of Fort St. George in Council, for all monies received and paid by him in his administration of the revenues of the said Jagheer, and shall have received, by order of the said Governor in Council, a discharge in full of all claims against him for such administration, neither he nor any of his Assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any Court of Justice.

Agent not to be liable to account in any Court after having accounted to Government.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and control of the East India Company over the said district, or of the Sovereign authority of the British Government.

Act not to affect the authority of the E. I. C. or of the Crown.

ACT No. XXVI. OF 1848.

Extends Act IV. of 1848 to the Straits' Settlements.

An Act to extend to the Straits the Act for regulating Coroners' Juries

Whereas it is expedient to extend the operation of Act No. IV. 1848,—It is enacted as follows :

I. From the First day of March, 1849, Act No. IV. 1848 shall apply to the Settlements of Prince of Wales' Island, Singapore and Malacca, and to all inquests held there by any Coroner, or Deputy Coroner ; and the word Presidency, as used in the said Act, shall be taken to mean also the Government of the said Settlements.

ACT No. XXVII. OF 1848.

1 *Three additional Articles of War for the Indian Navy enacted—viz. (36th) Manslaughter and some other offences not provided for by Act XII. 1844, to be punished with transportation, or as Court may direct. (37th). Insubordination &c, and disgraceful conduct to be punished as Court Martial may direct. (38th). If any offence be committed which the Commanding Officer may deem it necessary to punish forthwith, he may investigate the case, and order punishment.*

2. *Whose Court Martial may award death, and in some other cases, it may award transportation.*

3. *The G. in C. may commute to transportation all sentences of death awarded by Court Martial.*

4. *All persons sentenced to transportation under this Act to be dealt with as other prisoners under similar sentence.*

5. *The Indian, Madras, and Bombay Governments may order any Superior Commanding Officer to hold Court Martial, and such Officer shall preside.*

6. *Any Officer ordered to attend a Court Martial shall be eligible to act thereon.*

7. *If there be not a quorum of Superior Officers of Indian Navy, the number may be made up of Military Officers not below the Rank of Captain, and in default of such, of Officers of H. M.'s Navy.*

8. *Act XII. of 1844, and this Act to be construed together as one Act.*

An Act to amend the Act XII. of 1844.

Whereas it is deemed expedient that the Act No. XII. of 1844, entitled "An Act for better securing the observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned, and whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained,—It is enacted as follows;

Three additional Articles of War for the Indian Navy enacted.

I. From and after the First day of February, 1849, the Articles and Orders hereinafter following, as well in time of peace as in time of war, shall be observed and put in execution in manner hereinafter mentioned, in addition to the thirty-five Articles and Orders contained in the said Act, that is to say:

Manslaughter and some other offences not provided for in Act XII. 1844.

36th. Every person belonging to the Indian Navy who shall be guilty of manslaughter or any other offence against the person, or of any offence against the property, of any subject of Her Majesty, or any other person entitled to Her Majesty's protection or to the protection of the respective Governments of the East India Company, or any other person whomsoever, not being an Enemy of Her Majesty or of the East India Company, (and the punishment of which offence is not provided for by the said Act,) shall be liable to transportation for life, or for a term of years, or to such other punishment according to the nature and degree of the offence, as a Court Martial shall award.

Insubordination, &c., and disgraceful conduct.

37th. All Insubordination, Disorders, Irregularities, and Neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel, or dishonest, or indecent, or malicious, or mischievous character, though not particularly

specified in the said Act or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

If Commanding Officer deem it necessary to punish forthwith, he may investigate himself, and order limited punishment.

38th. Where any person belonging to the Indian Navy, (not being of the rank of an Officer,) shall be guilty of any offence, which the Officer in Command of the ship or vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer; and the offender shall be liable to such punishment, (not extending to life or limb, or to transportation, or imprisonment exceeding six days or to any corporal punishment exceeding twelve lashes), as such Officer shall by his Warrant adjudge.

Where Court Martial may award death, and in some other cases, it may award transportation.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death, and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles, a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

The G in C may commute to transportation all sentences of Death.

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor-General in Council, (if he shall think the circumstances of the case make it proper so to do), to order the offender to be transported for life, or for a certain term of years.

Persons sentenced to transportation under this Act to be dealt with as other prisoners under similar sentence.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act, or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with, as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor-General in Council, or, if the offender shall be at the Presiden-

cy of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last mentioned case, to any orders made by the Governor-General in Council, in case any such orders shall have been so made.

Government may order any Superior Commanding Officer to hold Court Martial, and such Officer shall preside.

V. The Governor-General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior Officer, Captain, or Commander of the Indian Navy, who shall be in any port of the East Indies, to hold Court Martial in any such port as shall be found most expedient and for the good of the East India Company's Service; and such superior Officer, Captain, or Commander shall preside at such Court Martial.

Any Officer ordered to attend a Court Martial shall be eligible to act thereon.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th Section of the said Act No. XII. of 1844, in relation to the Officers of whom Courts Martial, to be held or appointed under that Act, shall be composed, it is declared and enacted, that any Officers of the Indian Navy, ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat, if required, shall be eligible to act on any Court Martial, although such Officers may not be commissioned to any ship or vessel.

If there be not a quorum of Superior Officers of Indian Navy, the number may be made up of Military Officers or Officers of H. M.'s Navy.

VII. If on any occasion there shall not be present a sufficient number of Superior Officers, Captains, Commanders, and Lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of Officers may, with the sanction of the Government or Officer by whose authority the Court Martial shall have been convened, be made up or completed by any Officer or Officers in the Military Service of the East India Company, then being Commissioned and in Pay and of the Rank either of Major or Captain, who may be present and may be ordered, or be ready, to afford his or their services on such Court Martial; and, for

default of such or of a sufficient number of such, then the deficiency may be supplied by any Officer or Officers of Her Majesty's Naval Service of sufficient Rank, according to the said Act, who may be present and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

This Act to be construed as part of Act XII. 1844.

VIII. The Clauses and Provisions of the said Act No. XII. of 1844, for regulating the places to which and persons to whom the same is to extend, and also the other Clauses and Provisions thereof shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto and to the several Articles and Provisions thereof respectively, as if the Articles and Provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the Articles and provisions of that Act.

FOREIGN STATES.

ACT No. I. OF 1849.

1. *Repeals certain Regulations of the Bengal, Madras, and Bombay Codes respectively.*

2. *All Subjects of the Government, and all its servants while in actual Service, and for six months afterwards, and all persons who shall have dwelt for six months within the British Territories, to be amenable to the law for offences committed within Foreign Territory.*

3. *Committing Magistrate to report immediately to Government.*

4. *Government may order trial to be had before one of the ordinary Courts of competent jurisdiction.*

5. *If offence was committed in a Foreign Territory where there is competent Court, Government may order trials to take place there.*

6. *Form of warrant of Commitment, and of bail bond.*

7. *Special order of Government for trial of accused within, or conveyance of him out of British Territories, to be sufficient authority.*

8. *Meaning of the word "Government."*

9. *Powers given to Government by this Act may be delegated.*

An Act to provide more effectually for the punishment of Offences committed in Foreign States.

Whereas divers Regulations of the Bengal, Madras, and Bombay Codes have been made from time to time for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, It is enacted as follows:

Repeals certain Regulations of the three Codes.

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, Section 6, of Regulation I. and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code: Section 4, of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

All Subjects of the Government, and all its Servants while in actual service and for six months afterwards, and all persons who shall have dwelt for six months within the British Territories, to be amenable for offences committed within Foreign Territory.

II. All Subjects of the British Government, and also all persons in the Civil or Military Service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British Territories under the Government of the East India Company, subject to the laws of the said territories, who shall be apprehended within the said territories, or delivered into the custody of a Magistrate within the said territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British Territories.

Committing Magistrate to report immediately to Government.

III. The Committing Magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

Government may order trial to be had before one of the ordinary Courts.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British Territories.

If offence was committed where there is competent Court, Government may order trial to take place there.

V. When the offence is charged to have been committed in the territory of any Foreign Prince or State, administered by Officers acting under the authority of the East India Company, in which territory a Court, competent to try the person charged for the offence, is established by authority of the Governor-General of India in Council, the Government may order such person to be conveyed in custody out of the British territories, for the purpose of delivering him up for trial before such Court.

Form of warrant of commitment, and of bail bond.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-bond shall be in the first instance, to appear before the Magistrate on a certain day assigned,

allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the Magistrate from time to time shall require, and, if Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British Territories, or for conveying him in custody out of the British Territories, as aforesaid. **Order of Government to be full authority.**

VIII. The word 'Government' as used in the third and following Sections of this Act, means the Governor or Governor in Council, or other person or persons having supreme executive authority in the Presidency or place to which the Committing Magistrate belongs. **Interpretation.**

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other person acting in the Civil Service of the East India Company, to whom the Governor-General in Council shall have delegated authority to receive reports and give orders in cases within this Act. **Government may delegate its authority.**

ACT No. II. OF 1849. **GENERAL.**

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1. *Repeals certain Regulations, and parts of Regulations of the Bengal, Madras, and Bombay Codes, and generally all other Regulations for fixing indelible marks &c., on Convicts.*
2. *Prohibits branding Convict, or indelibly marking him, and exposing him by Tusheer.*

To abolish the practice of branding and exposing Convicts.

Whereas it is thought fit to abolish wholly the practice of branding and publicly exposing Convicts throughout the

territories under the Government of the East India Company, It is enacted as follows:

I. Section 11, Regulation IV. 1797, Section 35, Regulation VII. 1803, and Clauses Second, Third and Fourth, Section 12, Regulation XVII. 1817, of the Bengal Code, Section 35, Regulation VII. 1802, of the Madras Code, and so much of Clause First, Section 3, Regulation II. of 1807, and of Sections 9, and 10, Regulation XVII. of 1817, of the Bengal Code, so much of Section 3, Regulation VI. of 1811, and Sections 5, 6, Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations in force, directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer, and so much of Chapter II. Regulation XIV. of 1827, of the Bombay Code, as authorizes any sentence of public disgrace, are rescinded.

II. After the passing of this Act it shall not be lawful for any Court or Magistrate within the territories under the Government of the East India Company, to order that any brand or indelible mark of any kind be made, or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by Tusheer, or to any other degrading exposure.

CALCUTTA.

ACT No. III. OF 1849.

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1. *Gives validity to proposed agreement, as between certain members and creditors of the Union Bank executing it.*
2. *Suit by executing creditor to be barred, if the defendant shall have paid the assessment agreed upon.*
3. *Suit not to be barred, if defendant shall not have paid the assessment.*
4. *Proceeding, actually commenced before payment of assessment, may be prosecuted.*

5. Copy of Schedule of assessment to be filed in the Supreme Court, and to be evidence of the amounts assessed. Copy of agreement.

An Act to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

Whereas by Act XXIII. 1845, certain persons, therein declared to have formed themselves into a company or Co-partnership by the name of "The Union Bank of Calcutta," and those who should thereafter become Members and Proprietors of the said Union Bank, were enabled to sue, and to be sued, at law and in equity, in the name of the person who should be the Secretary or the Treasurer of the Bank for the time being, and certain provisions are therein contained for the recovery of debts and demands due by the said Co-partnership :

And whereas a Memorial has been presented to the Governor-General of India in Council, signed by Thomas Charles Morton, Esquire,—Henry Burkinyoung, Esquire,—Jeremiah James Homfray, Esquire,—and Baboo Prosunnocoomar Tagore,—all therein described as members of the Executive Committee of Management of the said Union Bank, and also by certain persons, therein described as Members of the Committee of Creditors of the Union Bank,—that is to say, Charles Hogg, Esquire, therein described as constituted Attorney for Glyn, Halifax, Mills and Company, by Henry Cowie, Esquire, and by Thomas Seddon Kelsall, Esquire, setting forth, that the said Joint Stock Banking Company, or Union Bank of Calcutta, suspended payment about the close of the year 1847, and that the remaining assets of the said Bank are insufficient to satisfy the outstanding debts and liabilities ; that several Creditors of the Bank have obtained judgment against the public Officer under the said Act XXIII. 1845, and the assets of the Bank being insufficient, certain of the said judgments are put in suit against individual Shareholders ; and that the Memorialists fear that, unless some mutually satisfactory arrangement can be immediately made between the Creditors and the Shareholders, an enormous sacrifice of property will speedily take place, and a great num-

ber of persons be involved in utter ruin; that many of the creditors are willing to agree with the Shareholders, and to give as complete a discharge as the law will allow, to those Shareholders who will pay such reasonable sums of money as have been assessed on them respectively, on account of the said debts and liabilities, by a Committee of Creditors appointed at a public meeting of the Creditors, provided that such discharge do not work a release or otherwise affect their claims, in respect of the said debts and liabilities, against other persons liable to make good the same who shall refuse or neglect to pay the sums so assessed on them respectively; and that many of the said Shareholders are willing to pay the sums so assessed on them, provided that they may be thereby secured from all proceedings at law or in equity, in respect of the said debts and liabilities, at the suit of any Creditor who shall have executed such agreement as aforesaid, and accepted any payment out of the sums so contributed: that doubts have been entertained of the legal effect of such an agreement and discharge: and praying, therefore, that the effect of it may be established and denied by authority of the Governor-General of India in Council, without prejudice to the rights of any Creditor of the said Bank executing the same, against any present or past Shareholder of the said Bank, who shall not have paid up, in the manner prescribed by the said agreement, the full amount of the sum assessed on him or her as aforesaid, or to the rights of any Creditors who shall not execute the same, It is declared and enacted as follows;

Gives validity to proposed agreement, as between certain members and creditors of the Union Bank executing it.

1. The agreement, of which a copy is annexed to this Act, being the agreement referred to in the said Memorial, shall be of full force as between those Creditors of the said Union Bank who shall execute the same, and those persons named in the Schedule hereinafter mentioned, and in the said agreement described as the Schedule thereunto annexed, marked A, being the Schedule of Assessment of Contribution toward the liquidation of the debts of the said Bank, who shall, in the manner mentioned in the said agreement, pay the several sums at which they are severally assessed in the said Schedule

of Assessment; but shall be of no force to affect the rights or liabilities of any persons, other than such as are party or privy thereunto, or the rights or liabilities of the persons named in the said Schedule, as against each other.

Suit by executing creditor to be barred, if defendant shall have paid the assessment agreed upon.

II. If any Creditor of the said Bank, who shall have executed the said agreement, shall thereafter sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person named in the said Schedule of Assessment who shall have paid, in the manner mentioned in the said agreement, the full sum at which he or she is assessed in the said Schedule of Assessment, the execution of the said agreement by such Creditor, and payment of the said Assessment by the person against whom such Writ or other proceeding shall be sued out, or taken, may be pleaded in bar thereof: and all costs incurred by any such defendant in resisting such Writ or proceeding shall be paid by the Creditor at whose suit the same shall have been sued forth or instituted.

Suit not to be barred, if defendant shall not have paid the assessment.

III. If any Creditor of the said Bank, who shall not have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof; or if any Creditor of the said Bank, who shall have executed the said agreement shall sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof, who shall not pay in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the said agreement shall not be pleadable to such Writ or proceeding, nor shall the contents thereof be received in evidence, in any Court of law or equity, in any proceeding had for the recovery of such debt or liability from any such person.

Proceeding, actually commenc-

IV. Provided always, that nothing hereinbefore con-

ed before payment of assessment, may be prosecuted.

tained, shall be construed to prevent any Writ of *Scire Facias*, which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder before payment of his Assessment, from being prosecuted and continued afterwards, if the party instituting such proceeding chooses so to do.

Copy of Schedule of Assessment to be filed in the Supreme Court, and to be evidence of the amounts assessed. Copy of agreement.

V. Within one month after the passing of this Act, a copy of the said Schedule of Assessment, signed by the said Thomas Charles Morton, Henry Burkinyoung, Jeremiah James Homfray, Prosunnocoomar Tagore, Charles Hogg, Henry Cowie, and Thomas Seddon Kelsall, shall be filed and enrolled among the Records of Office of the Record Keeper of the Supreme Court of Judicature at Fort William in Bengal: and the Schedule so filed shall be deemed the Schedule referred to by this Act, and by the said agreement, and shall be conclusive evidence of the amounts severally assessed against the persons named therein, according to the true intent and meaning of this Act.

COPY OF AGREEMENT.

We, the undersigned, Creditors of the Union Bank of Calcutta, hereby undertake and promise, upon payment by the Executive Committee of the said Union Bank of an immediate first dividend of twenty-five (25) per cent. upon our respective claims, to accept the Schedule hereunto annexed, marked A, (which has been framed by a Committee of Creditors of the Bank) as the Schedule of Assessment or Contribution towards the liquidation of the debts of the said Bank, of the several Shareholders, past and present, therein named; and we promise and agree not to sue out any Writ of *Scire Facias* against, or otherwise to molest the person or property of any Shareholder or Shareholders of the said Union Bank, named in the said Schedule, who shall pay up the full sum placed opposite his or her name in the said Schedule, as and for his or her Assessment or Contribution as aforesaid. Provided, however,

that nothing herein contained shall be construed to protect any of the said parties from being proceeded against, unless and until he shall have actually paid his said Assessment in full nor to prevent any Writ of *Scire Facias* which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder before payment of his Assessment, from being prosecuted and continued afterwards if the party instituting such proceeding chooses so to do. Provided, further, that if any Shareholder in the said Schedule named shall not have paid or given security to the Executive Committee of the said Bank, certified by them to be sufficient, for the payment of his Assessment, within three months from this date, if he be resident in India, or within five months if resident out of India, the same shall be increased ten per cent.; and that a further per centage of the like amount shall be added after every succeeding period of three months, during which the same shall remain unpaid or unsecured. Provided also, that the said Executive Committee of the said Bank do engage to pay, from time to time, such further dividends upon our respective claims, until full satisfaction thereof, respectively, as the sums realized from the said Contribution shall enable them to do; and whenever the realization shall amount to ten per cent. upon the remaining claims, to declare and pay a new dividend at that rate. Provided always, and it is hereby expressly declared and agreed, that we, the undersigned, reserve to ourselves, all our rights and remedies whatsoever against the assets of the said Bank, legal and equitable, and against all Shareholders, present and past, not paying up the full amount of their said Assessments, respectively, as aforesaid: In witness whereof we have hereunto set our respective hands, this Twenty-fifth day of September, in the year of Christ, one thousand eight hundred and forty-eight.

ACT No. IV. OF 1849.

Repealed by Act XVII. 1862

GENERAL.

ACT No. V. OF 1849.

Recites doubts as to whether Duty may be taken on less than one Leaguer of Arrack.

1. *Enacts that duty may be taken pro rata upon any quantity of any goods.*

An Act for better defining the Duties of Customs and Excise.

Whereas under the Regulations in force for taking a duty of twenty Spanish Dollars for each and every Leaguer of Arrack or Asiatic Rum imported into and intended for consumption within Prince of Wales' Island, Singapore, and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a Leaguer, and it is expedient that such doubts be removed, and that the meaning of all such or the like expressions in any Regulation or Act for the levy of Customs or Excise Duties within the territories under the Government of the East India Company, be plainly declared, it is declared and enacted as follows:

1. Whenever by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of Customs or Excise, or in the nature thereof, is leviable on any given quantity, by weight, measure, or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

GENERAL.

ACT No. VI. OF 1849.

Recites expediency of extending and consolidating the law.

1. *Reg. XII. 1810 of Bengal Code, and Act XXXI. of 1845, repealed.*

2. *Reduced pay or pension of Invalid officer, &c. in service of E. I. Co., and monthly or yearly pension or allowance to any person, granted by Government, or by Commissioners of Chelsea and Greenwich Hospital, to be exempt from seizure for debt, &c.*

3. *All assignments, &c., in anticipation of such pensions, to be null and void.*

4. *Act not to apply to process issued and assignments made before certain dates in the three Presidencies respectively.*

For securing Military and Naval Pensions and Superannuation Allowances.

Whereas it is expedient to consolidate and extend the operation of the law, as to the exemption of Military and Naval Pensions, and other Superannuation Allowances, from seizure under process of law, It is enacted as follows:

Reg XII. 1840 and Act XXXI. 1845, repealed.

I. Regulation XII. 1814 of the Bengal Code, and Act XXXI. 1845, are repealed.

Pension of Invalid officer, &c., in service of E. I. Co., and allowance to any person, granted by Government or by Chelsea and Greenwich Hospital, to be exempt from seizure for debt, &c.

II. The reduced pay or pension, however called, of any Invalid Officer, Soldier, Sailor or Retainer of the Army or Navy, in the Military or Naval Service of the East India Company, and also any monthly or yearly pension, or pecuniary advance to any person, in consideration of past services and present infirmities, or old age, granted by authority of the Governor-General in Council, or of the Governor or Governor in Council, or Lieutenant-Governor, of any Presidency or place within the territories under the Government of the East India Company; and also the pension of any Out-Pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due, or to become due, on account of any such pension or allowance, shall be exempt from seizure, attachment, or sequestration by process of any Court within the said territories, at the instance of a creditor, for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court.

All assignments, &c, in anticipation of such pensions, to be null and void.

III. All assignments, agreements, orders, sales and securities of every kind made by any such Pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

Act not to apply to process issued and assignments made before certain dates in the three Presidencies respectively.

IV. This Act shall not apply to any process of any Court established by Royal Charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale, or security by any such Pensioner, made before the passing of this Act, in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the Presidency of Madras, or before the 27th December, 1845, in respect of a pension or allowance granted in the Presidency of Bombay, or before the 27th May, 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

ACT No VII. OF 1849.

Repealed by Act VIII. 1855, Sec. 56

ACT No. VIII. OF 1849.

Repealed by Act XIII. 1856.

ACT No. IX. OF 1849.

1. *Powers now exercised by two Justices or Police Magistrates may be exercised by one Justice who is a Police Magistrate.*
2. *One Justice who is a Police Magistrate may issue warrant under 33, G. III c. 52*

An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George.

Whereas it is expedient to apply the provisions of the Acts No. IV. 1835, No. I. 1837, and No. XXXII. 1838, to the Presidency of Madras, It is enacted as follows:

I. All powers whatever in Criminal cases, which by virtue of any law now in force may be exercised by two Justices of the Peace, or by two Police Magistrates within the Presidency of Fort St, George and places subordinate thereto,

may be exercised by one Justice of the Peace appointed to be a Police Magistrate within the said Presidency.

II. Any one Justice of the Peace, appointed to be a Police Magistrate within the said Presidency, may issue a warrant of distress for the recovery of Arrears of Assessment accruing under the Act of Parliament 33 Geo. III. Cap. 52, and every such warrant shall have the same force as if it were under the hands and seals of two Justices.

ACT No. X. OF 1849.

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1. *G. in C may depute a single Member of Revenue Board to perform in any district the duties of the Board.*
2. *Commissioner so deputed to exercise all powers mentioned in Commission.*
3. *Commission to be published in Gazette.*
4. *Correspondence and documents of Commission to be deemed records of Board of Revenue.*

An Act for appointing a Commissioner of Revenue at Madras.

Whereas it is expedient that the Governor of Fort St. George in Council should be empowered to depute a Member of the Board of Revenue, to perform in any of the Districts of that Presidency all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively, It is enacted as follows :

G. in C may depute a single Member to perform the duties of the Board.

I. The Governor of Fort St. George in Council, may, from time to time, whenever he shall see fit, depute a Member of the Board of Revenue to perform alone, in any of the Districts of that Presidency, all or any of the duties which, by the general Regulations and Laws of the Presidency, belong to the Board of Revenue collectively.

Commissioner to exercise powers mentioned in Commission.

II. When a special Commission shall be given to a Member of the Board of Revenue under this Act, the Member of the Board named therein shall, by virtue thereof, be em-

powered to exercise, within the limits of his Commission, all the powers and duties which by law are vested in the Board of Revenue collectively, without exception, or subject to any exceptions or restrictions, which shall be prescribed in such Commission; and all Regulations and Acts concerning the Board of Revenue shall be deemed to apply to the said Commissioner within the limits of his Commission, and with regard to all things concerning the Revenue of the District included in it, so far as is necessary to give full effect to his Commission and to this Act.

Commission to be published in Gazette.

III. Every such Commission shall be published in the Fort St. George Gazette, and the Commissioner shall enter on his office from the date of such publication; and in like manner the revocation or other determination of any such Commission shall be published in the Fort St. George Gazette.

Correspondence and documents of Commission to be deemed records of Board of Revenue

IV. The correspondence and other documents belonging to any such Commission shall be deposited, on the determination thereof, in the office of the Board of Revenue, and shall be deemed records of the said Board.

By Act XXI. 1856, Sec. 2, Government may appoint any other person instead of Collector to be Superintendent of Abkaree Revenue, and in such case such person shall be vested with all the power of the Collector under this Act.

ACT No. XI. OF 1819.*

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1. *Acts I of 1812, and XXVI. of* 1815, *and Reg. II.* 1802, *Sec.* 26, *and part of Stat.* 33, *Geo. III C.* 52, *Sec.* 159 *repealed.*

2. *Excise from retail Sale of Spirits, &c. in Calcutta to be under charge of the Collector of Calcutta.*

3. *Collector may appoint Abkaree Officers.*

4. *Penalty of Rs 500 for retail Sale of Spirits, Liquors and Drugs without license*

* See Act XVIII. 1856, Sec. 3, which empowers the Collector of Calcutta to employ any of his Deputies in the performance of duties under this Act and extends to Calcutta all rules, &c, relating to the efficient Deputy Collector elsewhere in the Presidency.

5. *What to be deemed a retail Sale.*

6. *Sale of larger quantities than those specified, except by wholesale dealers under a pass to licensed retail dealers, &c., prohibited.*

7. *The Board to regulate the form of License.*

8. *Retail dealer to execute a counterpart engagement.*

9. *License fee may be demanded and made payable in advance.*

10. *License may be withheld or recalled on non-payment of fee, or for any other cause after one month's notice.*

11. *License may be surrendered on fifteen days' notice and payment of an additional Tax for that time.*

12. *Repealed.*

13. *After demand in writing, arrears of Tax may be levied by distress and sale; but not after two years.*

14. *Penalty of Rs.* 50, *besides forfeiture, for breach of conditions. Dealer responsible for default of his Servant.*

15. *Penalty of Rs.* 500 *for having in possession a greater than the specified quantity of Liquors, Spirits, or Drugs, &c., without License or pass; except in case of Opium, when the penalty may be at the rate of Rs.* 16 *per seer.*

16. *Such Spirits, &c., and Vessels, &c., used in carrying them may be confiscated.*

17. *Powers as to entry and inspection of licensed dealer's house by day, and by night respectively.*

18. *Penalty of Rs.* 200 *for not keeping license at the place licensed, or not showing it on demand.*

19. *Power to detain persons carrying Liquors, without a pass, and to seize the Liquors, &c.*

20. *The Collector under certain conditions may empower certain Abkaree Officers in the day time and in presence of a Constable to enter a house, and seize Liquor and Drugs liable to confiscation, and to break open doors, and arrest the owners of the premises, and others. Supreme Court rules to be followed in entering Zenanas.*

21. *Ministerial Officers of the Peace to assist Abkaree Officers on request.*

22. *Abkaree Officer making arrest or seizure, or searching a house, to carry the person and property to the Collector. Collector may release, or send to a Justice of the Peace.*

23. *Penalty of Rs.* 500, *or imprisonment for six months, or both, for maliciously giving false information.*

24. *Penalty of Rs.* 500 *for obstructing any Abkaree Officer or person aiding him.*

25. *Penalty of Rs.* 200 *on Abkaree Officer delaying to carry before the Collector the person arrested, &c., or to report particulars.*

26. *Penalty of Rs 500, on Abkaree Officers for vexatious seizure or arrest.*

27. *Penalty of Rs 500 on Abkaree Officer for connivance.*

28. *Penalty of Rs 500 on Abkaree Officer asking or taking a bribe, or any person offering the same.*

29. *Seizure to be determined summarily by Justice, on information exhibited by order of the Collector.*

30. *If no claimant shall appear before the Collector within a month after the seizure, Justice may confiscate the goods.*

31. *Fines under this Act, except under Sec. 38, to be adjudged by Justice. No proceedings to be taken after three months from date of offence*

32 *Additional penalty for second offence, imprisonment; and increased penalty for subsequent offences.*

33. *Half of all fines, and proceeds of Sale to be given to the informer, except in the case of Opium. When the fine is not realized the Board may grant reward. Board may direct what class of Officers shall receive rewards*

34. *Fines to belong to Government, but Board may grant out of them rewards or compensation.*

35. *Writ of Certiorari not to lie.*

36. *Commissioner of Abkaree may call for the proceedings within one month after judgment, and may give relief.*

37 *Actions for anything done under this Act to be commenced within three months and one month's notice to be given. Tender of amends, or payment into Court, to be a bar to the action.*

38 *Collector to have power to punish contempt by fine of Rs. 200, subject to appeal.*

For securing the Abkaree Revenue of Calcutta.

For better securing the Abkaree Revenue of Calcutta it is enacted as follows :

Acts I. of 1842, and XXVI. of 1845, and Reg. II 1802, Sec. 26, and part of Stat. 33, Geo. III. C. 52, Sec. 159, repealed.

1. Act I. 1842, Act XXVI. 1845, Section 26, Regulation II. 1802, of the Bengal Code, and so much of Clause CLIX., of an Act of Parliament, numbered Chapter LII., of the Statutes passed in the Thirty-third Year of the reign of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors, within the Town of Calcutta, and to the punishment of unlicensed Traders in Spirit or Spirituous Liquors, within the said Town, are repealed.

II. The collection of the Revenue arising from the retail sale of Spirituous or Fermented Liquors and intoxicating drugs, within the Town of Calcutta, shall be under the charge of the Collector of Calcutta, who shall perform the duties connected therewith under the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium; and all proceedings of the Collector held under this Act shall be subject, with or without appeal, to their revision.

Excise from retail Sale of Spirits, &c., in Calcutta to be under charge of the Collector of Calcutta.

III. The Collector may appoint Constables, Darogahs, Jemadars, Burkundauzes, and other officers, for collection of the said Revenue and prevention of Smuggling; and the officers so appointed, beside their ordinary respective designations, shall be styled "Abkaree Officers."

Collector may appoint Abkaree [Offic]ers.

IV. Every person who shall sell, by retail, any spirituous or Fermented Liquors or intoxicating drugs hereinafter specified, within the Town of Calcutta, without the license for that purpose, under the hand and seal of the Collector of Calcutta, shall be liable to a fine, not exceeding Five Hundred Rupees, for each sale: but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wines, or Spirits, as may appear to the Collector to be intended only as samples.

Penalty of Rs. 500 for retail Sale of Spirits, Liquors and Drugs without license.

V. A sale of English or Foreign Beer, Wines, or Spirits, in any quantity not exceeding two gallons, or of Bengal Arrack or Rum or other country spirit, in any quantity not exceeding one seer, or of Tauree in any quantity not exceeding four seers, or of Ganjah or Bhang, or any preparation or admixture of the same, in any quantity not exceeding one quarter of a seer, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in any quantity not exceeding the weight of five tolahs, shall be deemed a retail sale within the meaning of this Act.

What to be deemed a retail Sale.

VI. The sale of Bengal Arrack or Rum or other country Spirit, or of Tauree, or of Ganjah, or Bhang, or any prepara-

Sale of larger quantities than those specified, except by whole[sale]

sale dealers under a pass to licensed retail dealers, &c., prohibited.

tion or admixture of the same, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in quantities larger than those specified for each Article in Section 5, of this Act, is prohibited; and every person, who shall act in breach of this prohibition, shall be liable to the fine prescribed in Section 15, for the illicit possession of these Articles: but the prohibition does not apply to the sale of Spirituous or Fermented Liquors and intoxicating drugs, imported into Calcutta under passes from the Collector, or other officer duly empowered in that behalf, and supplied by wholesale to licensed retail Dealers, or to the sale of Bengal Rum under bond for exportation by Sea, or to the sale of Opium intended for exportation by Sea, and covered by a Certificate to that effect, issued under the authority of the Board of Customs, Salt and Opium.

The Board to regulate the form of License.

VII. The Board of Customs, Salt, and Opium shall have authority, at all times, to regulate the form of licenses to be granted under this Act, and to alter and add to the conditions thereof.

Retail dealer to execute a counterpart engagement.

VIII. Every person taking out a license for the retail sale of Spirituous or Fermented Liquors, or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

License fee may be demanded and made payable in advance.

IX. Whenever a license shall be granted under this Act, the Collector shall be authorised to demand, in consideration of the privilege granted, such fee, tax, or duty as may, from time to time, be fixed, with the sanction of the Board of Customs, Salt and Opium; and such fee, tax, or duty, may be made payable in advance, or at such period as may be settled by the Collector.

License may be withhold or recalled on non-payment of fee, or for any other cause after one month's notice.

X. The Collector may withhold or recall a license, if any such fee, tax, or duty be not duly paid according to the conditions upon which the license is granted, or in case of a breach of any of the other conditions thereof; or with the sanction of

the Commissioner of Abkaree, for any other cause, giving one month's notice of such withdrawal; and any person selling, by retail, any Spirituous or Fermented Liquors or intoxicating drugs above specified, within the Town of Calcutta, whilst such license is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of Spirituous or Fermented Liquors or intoxicating drugs.

License may be surrendered on fifteen days' notice and payment of additional Tax for that time.

XI. Any licensed retail Dealer may surrender his license, on giving fifteen days' previous notice to the Collector, and paying a sum equal to the tax for that time, over and above the sum payable under the license.

XII. *Repealed by Act XIII.* 1856.

After demand in writing, arrears of Tax may be levied by distress and sale; but not after two years.

XIII. The Collector, after demand made in writing, may levy any arrear of tax or duty, due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due; provided, that no such arrear shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

Penalty of Rs. 50, besides forfeiture, for breach of conditions. Dealer responsible for default of his Servant.

XIV. A breach of any of the conditions of a license granted under this Act shall, beside entailing forfeiture of the license, be punishable by a fine not exceeding fifty Rupees; and such fine shall be recoverable from the licensed Dealer, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop.

Penalty of Rs. 500 for possessing a greater than the specified quantity of Liquors, &c., without license or pass; except in case of Opium, when the penalty may be Rs. 10 per seer

XV. Any person, not being a licensed Dealer, having in his possession, and any person carrying within the Town of Calcutta, any greater quantity of spirituous or fermented liquors or intoxicating drugs above specified, or any preparation or admixture of the same, except English and Foreign Beer, Wines and Spirits, than the quantity specified for each article

in Section 5, of this Act, and not being protected by a pass or permit from the Collector, or other officer duly empowered in that behalf, shall be liable to a fine not exceeding Five Hundred Rupees except in the case of Opium; and in the case of Opium, to a fine not exceeding the rate of sixteen Rupees for each seer found in the possession of, or carried by such person; and if such last mentioned fine shall not amount to Five Hundred Rupees, such person shall be liable to a further fine, not exceeding such sum as shall make the total fine imposed amount to Five Hundred Rupees.

Such Spirits, &c., and Vessels, &c., used in carrying them may be confiscated.

XVI. Beside the penalties above specified for the illicit sale, possession, and carrying of spirituous or fermented liquors or intoxicating drugs, all such liquors and drugs found in the possession of any offender against this Act shall be seized and confiscated; and the vessels, packages, and covering, in which such liquors and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

Powers as to entry and inspection of licensed dealer's house.

XVII. Any Abkaree Officer above the rank of a peon or chuprassy may enter and inspect at any time, by day or by night, and any Abkaree Officer may enter and inspect by day, the house or shop in which any licensed Dealer shall carry on the sale of spirituous or fermented liquors, or intoxicating drugs.

Penalty of Rs. 200 for not keeping license at the place licensed, or not showing it on demand.

XVIII. Every person holding a license for the sale of spirituous or fermented liquors or intoxicating drugs shall keep such license at the house or shop specified in the license, and shall show the license on the demand of any Abkaree Officer who shall desire to see the same; and any licensed Dealer, who shall refuse or be unable to produce his license, on the demand of any Abkaree Officer, shall be liable to a fine not exceeding Two Hundred Rupees.

Power to detain persons carrying Liquors without a pass, and to

XIX. Any Abkaree Officer may *stop and detain any person carrying* any spirituous or fermented liquors or intoxicating

drugs without a pass, or otherwise liable to confiscation under this Act, and may seize the liquors or drugs, with the vessels, packages, and coverings in which the liquors or drugs are found, and the animals and conveyances used in carrying them.*

seize the Liquors, &c.

XX. If the Collector has good reason to believe, either from information given by any Abkaree Officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any spirituous or fermented liquors or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any place, the Collector, by warrant under his hand, may empower any Abkaree Officer, above the rank of Jemadar of Peons, between sunrise and sunset, but always in the presence of a Constable or other Officer of the Peace, to enter into every such place, where any such liquors or drugs are suspected to be kept or concealed, and to seize and carry away such liquors or drugs, and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawfully keeping or concealing of such liquors or drugs, whom he shall find on the premises. Provided that, where there is ground to suspect that such liquors or drugs are unlawfully concealed in any zenana, the Officer charged with the execution of the warrant shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

Collector may empower certain Abkaree Officers in the day and in presence of a Constable to enter a house, and seize Liquor, &c., and arrest the owners of the premises and others. Supreme Court rules to be followed in entering Zenanas.

XXI. All Constables and other Ministerial Officers of the Peace are required to help the Abkaree Officers in the due execution of this Act, upon notice given, or request made by any such Abkaree Officer. and any Officer who, without lawful excuse, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescrib-

Ministerial Officers of the Peace to assist Abkaree Officers on request.

* This Section has been modified by Act III. 1856, Sec 2, by extending the power of arrest to persons in possession as well as persons carrying.

ed by Section 27, of this Act, for Abkaree Officers conniving at the escape of a person arrested under this Act.

Abkaree Officer making arrest or seizure or searching a house, to carry the person and property to the Collector. Collector may release, or send to a Justice.

XXII. Whenever any Abkaree Officer, duly authorized under this Act, shall arrest any person, or shall seize any spirituous or fermented liquors or intoxicating drugs, or shall enter any house or shop for the purpose of searching for such illicit articles, he shall carry the person arrested, with the illicit articles seized, with all convenient despatch, to the Collector, and shall, within twenty-four hours thereafter, make a full report to the Collector of all particulars of such arrest, seizure, or search; and the Collector, after such further enquiry as he deems necessary, shall forthwith either release the person arrested, or send him in custody to a Justice of the Peace for the Town of Calcutta.

Penalty of Rs. 500, or imprisonment for six months, or both, for maliciously giving false information.

XXIII. Every person, who shall maliciously give false information against any person, for being engaged in the unlicensed sale of spirituous or fermented liquors, or intoxicating drugs, or for having in his possession, or carrying, or in respect of there being in any house or shop, any spirituous or fermented liquors, or intoxicating drugs, in contravention of this Act, shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment in the Common Jail, for a period not exceeding six months, or to both.

Penalty of Rs. 500 for obstructing any Abkaree Officer or person aiding him.

XXIV. Every person, who shall obstruct or molest any Abkaree Officer, or any person acting in aid of such Officer, in the due execution of this Act, shall be liable to a fine, not exceeding Five Hundred Rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

Penalty of Rs. 200 on Abkaree Officer delaying

XXV. Any Abkaree Officer, who shall delay carrying to the Collector any person arrested or any illicit articles seized

under this Act, or who shall neglect to report the particulars of an arrest, seizure, or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding Two Hundred Rupees.

to carry before the Collector the person arrested, &c., or to report particulars.

XXVI. Any Abkaree Officer, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit spirituous or fermented liquors or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess not required for the execution of his duty, shall be liable to a fine, not exceeding Five Hundred Rupees.

Penalty of Rs. 500 on Abkaree Officers for vexatious seizure or arrest.

XXVII. Any Officer employed in the Abkaree Department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of spirituous or fermented liquors or intoxicating drugs without license, or by any licensed dealer contrary to the terms of such license, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the Abkaree Revenue defrauded, shall be liable to a fine, not exceeding Five Hundred Rupees.

Penalty of Rs. 500 on Abkaree Officer for connivance.

XXVIII. Any Abkaree Officer, who shall ask or take any gratuity, not authorized by any law or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable for every such offence to a fine, not exceeding Five Hundred Rupees.

Penalty of Rs. 500 on Abkaree Officer asking or taking a bribe, or on any person offering the same.

XXIX. Whenever any goods or chattels shall be seized by an Abkaree Officer as liable to confiscation under this Act, such seizure shall, upon information exhibited by order of the Collector, be heard and determined in a summary way by any Justice of the Peace for the Town of Calcutta; and such

Seizure to be determined summarily by Justice, on information exhibited by order of the Collector.

Justice shall cause the persons to whom such goods and chattels belong to be summoned to appear before him, and upon their appearance or default shall examine into the cause of the seizure thereof, and give judgment; and, if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Customs, Salt, and Opium.

If no claimant appear before the Collector within a month after the seizure, Justice may confiscate the goods.

XXX. Whenever any goods or chattels shall be seized as aforesaid, and within one Calendar month no person shall appear before the Collector to claim the same, the Justice shall examine into the cause of seizure, at a place and time, of which notice shall have been given by the Collector in the *Calcutta Gazette*, and give judgment for the confiscation of such of the goods and chattels, as, upon such examination, shall appear to him liable to forfeiture; and, upon confiscation thereof, shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

Fines, except under Sec. 38, to be adjudged by Justice: but not after three months from date of offence.

XXXI. All fines leviable under this Act, except under Section 38, shall be adjudged by any Justice of the Peace for the Town of Calcutta, and the said Justice, upon information exhibited before him by order of the Collector, shall forthwith summon the parties accused, and upon their appearance or default shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the common Jail, for a period not exceeding six months, or until the fine is sooner paid; and no proceedings shall be taken under this Section by any Justice of the Peace after the expiration of three Calendar months from the date of the offence by which the fine was incurred.

XXXII. Whenever any person shall be convicted before any such Justice as aforesaid of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

Additional penalty for second or subsequent offence, imprisonment.

XXXIII. One-half of all fines levied from persons convicted of the illicit possession, carrying, or sale of spirituous or fermented liquors or intoxicating drugs, and of the proceeds from sale of articles confiscated, except Opium, (and in the case of Opium, confiscated and declared by the Opium Examiner at the Presidency to be fit for use, a reward of one Rupee eight Annas for each seer,) shall, upon adjudication of the case be awarded to the Officer or Officers who apprehended the offender, or seized the illicit articles, and the other half, or in the case of Opium as aforesaid, a reward of one Rupee eight annas for each seer, shall be given to the Informer; and if no fine is realized, the Board of Customs, Salt, and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees as may appear to them fit: and the Board of Customs, Salt and Opium may direct, by general order, what class of Abkaree Officers shall receive rewards, and what classes shall have no title to share therein.

Half of all fines and proceeds of Sale to be given to the informer, except in the case of Opium. When fine not realized, the Board may grant reward.

XXXIV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

Fines to belong to Government.

XXXV. No writ of *Certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove, or in anywise affect any information or

Writ of Certiorari are not to lie.

Judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

Commissioner may call for the proceedings within one month after judgment, and may give relief.

XXXVI. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, *the Commissioner of Abkaree*,* and, in his absence, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply) and, if he or they shall see cause, may direct that the seizure or any part thereof be restored, and may remit or mitigate any penalty, and discharge the party.

Actions for any-thing done under this Act to be commenced within three months, and one month's notice to be given.

XXXVII. All actions and prosecutions to be commenced against the Collector or any Abkaree Officer, or any person acting in aid of any such Officer, for any thing done in pursuance of the Act, shall be commenced within three Calendar months after the fact committed, and not afterwards; and notice in writing of such action, and the cause thereof, shall be given to the Defendant one Calendar month at least before the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

Collector may punish contempt by fine of Rs. 200, subject to appeal.

XXXVIII. The Collector, in respect of the duties to be performed by him under this Act, shall have power to punish any contempt committed in his presence in open Cutcherry, by fine, not exceeding Two Hundred Rupees, commutable, if not paid, to imprisonment in the Common Jail, for a period not exceeding one month; provided, that an appeal from any order passed under this Section shall lie to the Commissioner of Abkaree, and in his absence, to the Board of Customs, Salt and Opium; and the decision of the Commissioner or Board thereon shall be final.

* See Act III. 1856, Sec. 1, which substitutes the Commissioner of Revenue of the Division for the Commissioner of Abkaree.

ACT No. XII. OF 1849.

BOMBAY

1. *Sudder Court and its officers to have the same authority as if the Court were situated out of the Island of Bombay.*

2. *Acts and orders of Sudder Court and its officers not to be liable to question in Supreme Court otherwise than if the Sudder Court were situated in the nearest Zillah.*

3. *Any Criminal Court, having cognizance of offence under Reg. II. 1827, Sec. 36, may issue warrant of arrest and commit to Jail in default of bail.*

4. *Offenders against Reg. II. 1807, Sec. 36 may be tried after they have ceased to be officers.*

For improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section 36, Regulation II. 1827, of the Bombay Code.

Whereas the jurisdiction of the Sudder Adawlut of the Presidency of Bombay has been impaired by its removal to the Island of Bombay, within the jurisdiction of the Supreme Court of Judicature there, for remedy thereof it is enacted as follows :

Sudder Court to have the same authority situated out of the Island of Bombay.

I. The Sudder Adawlut of the Presidency of Bombay, and the several officers thereof shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the Court, or for resistance to the lawful authority of any officer in execution of any process or order of the Court, as if the Court were held in the Zillah nearest to the Island of Bombay.

Acts and orders of Sudder Court and its officers not to be liable to question in Supreme Court.

II. The Acts and Orders of the said Sudder Adawlut, and of its officers, in execution of any process or order of the Court, shall not be liable to question in the Supreme Court of Judicature at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the Zillah nearest to the Island of Bombay.

Any Criminal Court, having cognizance of offence under Reg. II. 1827, Sec. 36, may issue warrant of arrest and commit to Jail in default of bail.

III. Any Criminal Court, having cognizance of any offence under Section 36, Regulation II. 1827, of the Bombay Code, may issue a warrant under the hand of the Judge, or one of the Judges, and the seal of the Court, for the arrest of the person accused, and may commit him to jail, unless security be given to the satisfaction of the Court for his appearance to answer the charge.

Offenders against Reg. II. 1807, Sec. 36, may be tried after they have ceased to be officers.

IV. Offenders against Section 36, Regulation II. 1827, of the Bombay Code, may be tried and punished for the offence, after they have ceased to belong to the establishment of the Court to which they belonged at the time of committing the offence.

CALCUTTA.

ACT No. XIII. OF 1849.

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1. *Governor of Bengal may establish Salt Chowkies in Calcutta under charge of the Superintendent of Salt Chowkies. That Officer to be subject to the Board*

2. *Superintendent may appoint Officers of Salt Chowkies with distinctive designations.*

3. *Except under Act XXV. 1836, more than 10 seers of alimentary Salt shall not be imported or carried, nor more than one maund stored, in Calcutta or on the Hooghly, without a Rawannah or Charchittee.*

4. *Salt found in contravention of the Act to be liable to seizure and confiscation. Even though carried by several persons in gangs or companies.*

5. *If a greater quantity by one-fortieth than that specified in the Pass be carried, the whole shall be liable to seizure and confiscation; and the person in charge, to a fine of Rs. 10 per maund on the excess.*

6. *Reg. X. 1819 Ss. 36 17 and Reg. IV. 1832 to be applicable in Calcutta and on the Hooghly.*

7. *Vessels containing, and animals, &c. carrying contraband Salt to be liable to confiscation.*

8 *Persons found in possession of contraband Salt, to be liable to a fine of not more than Rs. 5 per maund.*

9. *The Superintendent or his subordinates or any other authorized officer may arrest person carrying contraband Salt and seize the Salt, &c.*

10. *On good grounds of belief, the Superintendent may, between sunrise and sunset, and in presence of a Peace Officer, forcibly enter any place and search for contraband Salt, or may empower by a written*

warrant certain Salt Officers so to do. Supreme Court rules to be followed in searching Zenanas.

11. *Penalty of Rs.* 500 *on Ministerial Peace Officer neglecting to help Salt Officer in execution of this Act after requisition.*

12. *Seizure if made by Superintendent to be recorded in his office. and if by subordinate, to be reported to Superintendent.*

13. *Penalty of Rs.* 500, *or imprisonment for six months, on person maliciously giving false information against another.*

14. *Penalty of Rs.* 500, *on person obstructing the due execution of this Act; in addition to the ordinary penalty of an affray, should one occur.*

15. *Penalty of Rs.* 200, *on officer causelessly delaying to report arrest, seizure or search.*

16. *Penalty of Rs.* 500, *on Officer vexatiously seizing goods or arresting persons.*

17. *Penalty of Rs.* 500, *on Officer conniving at evasion or infraction of this Act or fraud upon the revenue.*

18 *Penalty of Rs.* 500, *on Officer asking or taking unauthorized gratuity, and on person offering a bribe.*

19. *Person arrested by Superintendent to be taken before Justice. Person arrested by subordinate Officer to be taken to Superintendent, who may release him if improperly arrested.*

20. *J. P. to summon owner of Salt, &c., seized, and determine summarily as to the seizure, and upon confiscation to issue his arrest for sale.*

21. *If no claimant appear within one month before the Superintendent, he shall give notice in the Gazette, and thereupon the Justice may confiscate and order sale of the Salt.*

22. *All fines under this Act to be adjudged by a J. P. upon information exhibited by the Superintendent. but not more than three months after the fact.*

23. *For second and every subsequent offence, an additional penalty of six months.*

24. *One half of all fines and proceeds of sale to be awarded to seizing officers, and the other half to the informer. if no fine realized, the Board may grant rewards up to Rs.* 200. *Further rewards under Act IX.* 1835. *Board may declare what classes of officers shall and shall not share in rewards.*

25. *Fines unprovided for to belong to Government, but Board may grant one half as rewards or compensation.*

26. *Writ of Certiorari not to lie, and judgment not to be quashed, except for error apparent on the face thereof.*

27. *Board within one month after penalty or confiscation adjudged, may call for the proceedings and give relief.*

28. *Proceeding against any officer for any thing done under this Act to be commenced within three months and after one month's notice, and to be barred by tender of sufficient amends, or payment thereof into Court with costs*

29 *"Alimentary Salt" to include every Salt substance used as a seasoning for food.*

To prevent the Smuggling of Salt into Calcutta.

For preventing the smuggling of Salt into Calcutta, It is enacted as follows :

Governor of Bengal may establish Salt Chowkies in Calcutta.

I. The Governor of Bengal may establish as many Chowkies as he shall deem necessary for preventing the smuggling of alimentary Salt into the Town of Calcutta, and upon that part of the River Hooghly which lies within the local jurisdiction of the Supreme Court, and such Chowkies shall be under the charge of an officer to be styled "The Superintendent of Salt Chowkies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt and Opium.

Superintendent may appoint Officers of Salt Chowkies with distinctive designations.

II. The Superintendent may appoint Darogahs, Mohurrers, Jemadars, Burkundauzes, and other officers to assist him in the discharge of his duties; and the officers so appointed, beside their ordinary respective designations, shall be styled "Officers of Salt Chowkies."

More than ten seers of alimentary Salt shall not be imported or carried, nor more than one maund stored, in Calcutta or on the Hooghly without a Rawannah or Charchittee.

III. Excepting Salt imported by sea, and stored under bond as provided by Act No. XXV. 1836, it shall not be lawful to import alimentary Salt into the Town of Calcutta, or to carry such Salt within the Town, or upon the River Hooghly, as aforesaid, in excess of the quantity of *ten seers*, of eighty tolahs to the seer, or to store such Salt within the said Town in quantities exceeding one maund, except under a Rawannah, or Special Pass from the Board of Customs, Salt and Opium, or a Charchittee, or Pass from the said Superintendent, to be granted under such rules, and on the payment of such fees, as the said Board shall direct.

Contraband Salt to be liable to seizure and

IV. All alimentary Salt, found within the said Town, or upon the River Hooghly, as aforesaid, in contravention of this

Act, shall be deemed contraband, and liable to seizure and confiscation; and if several persons shall be found carrying Salt, unprotected by a Rawannah or Charchittee as aforesaid in gangs, or companies, which Salt shall exceed in the whole quantity ten seers, such Salt shall be deemed contraband; but no Salt, found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account satisfactorily, for the manner of its being found in his possession.

confiscation. Even though carried by several persons in gangs or companies.

V. If any person shall carry, or attempt to carry, within the said Town or upon the River Hooghly, as aforesaid, under a Rawannah or Charchittee, a greater quantity of Salt than shall be therein specified, the excess shall be deemed contraband, and if such excess is found to be more than one-fortieth part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah, or other person in charge of the Salt, shall be liable to a fine of ten Rupees for every maund of Salt, in excess of the quantity specified in the said document: And the excess shall be calculated upon the whole despatch as provided in Section 2, Regulation IV. 1832, of the Bengal Code.

If a greater quantity by one-fortieth than that specified in the pass be carried, the whole shall be liable to seizure and confiscation; and the person in charge, to a fine of Rs. 10 per maund on the excess.

VI. The provisions contained in Sections 36 to 47, both inclusive, Regulation X. 1819, and in Regulation IV. 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up, and falsifying of Rawannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

Reg. X. 1819, Ss. 36—47 and Reg. IV. 1832 to be applicable in Calcutta and on the Hooghly.

VII. Whenever any Salt shall be seized as contraband, the vessels, packages, and coverings, in which such Salt shall be found, and animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

Vessels containing, and animals, &c., used in carrying contraband Salt to be liable to confiscation.

VIII. All persons in whose possession contraband Salt shall be found, except in the case provided for by Section 5 of

Persons found in possession of contraband Salt,

to be liable to a fine of Rs. 5 per maund.

this Act, shall be liable to a fine, calculated at a rate, not exceeding five Rupees for each maund, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the Revenue, shall be liable to the whole fine.

Contraband Salt may be seized, and person carrying it arrested.

IX. The Superintendent of Salt Chowkies, and any of his subordinate officers, and any officer of any other Department, whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing, or carrying any Salt, without a Rawannah or Charchittee, or otherwise liable to confiscation under this Act; and may seize the Salt, with the vessels, packages, and coverings, in which the Salt is found, and the animals and conveyances used in carrying it.

Superintendent may, between sunrise and sunset, and in presence of a Peace Officer, forcibly enter any place and search for contraband Salt, or may empower certain Salt Officers so to do. Supreme Court rules to be followed in searching Zenanas.

X. If the Superintendent has good reason to believe, either from information given by any of his subordinate officers or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that Contraband Salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him between sunrise and sunset, but always in the presence of a Constable, or other Officer of the Peace, to enter into every such place where any such Contraband Salt as aforesaid is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties, whom he suspects to be concerned in the unlawful storing, whom he shall find on the premises: and if the Superintendent shall not be able to proceed in person to make the seizure, he may, by warrant under his hand, empower any Officer of Salt Chowkies, above the rank of a Jemadar of Peons, to make the same; and the officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the Superintendent himself. Provided that, where there is ground to suspect that such Contraband Salt as aforesaid is concealed in any zenana, the Superintendent or officer authorized as aforesaid shall follow,

as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

Penalty of Rs. 500 on Peace Officer neglecting to help Salt Officer in execution of this Act after requisition.

XI. All Constables, and other ministerial Officers of the Peace, are required to help the Superintendent and his subordinate officers, and other officers authorized to make a seizure of Salt, in the due execution of this Act, upon notice given or request made by the Superintendent, or any such officer. Any Officer, who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine, not exceeding Five Hundred Rupees.

Seizure, if made by Superintendent, to be recorded in his office: and if by subordinate, to be reported to Superintendent.

XII. Whenever a seizure of Salt in store in any place, shall be made by the Superintendent, the facts of the seizure shall be recorded in an Official Proceeding, to be placed on record in his office; and if the seizure shall be made by a subordinate officer, such officer shall report the circumstances, within twenty-four hours, to the Superintendent.

Penalty on person maliciously giving false information.

XIII. Every person, who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop, any Salt in contravention of this Act, shall be liable to a fine, not exceeding Five Hundred Rupees, or to imprisonment in the Common Jail for a period not exceeding six months, or both.

Additional penalty of Rs. 500 on person obstructing the due execution of this Act.

XIV. Every person, who shall obstruct or molest the Superintentent, or any Officer of Salt Chowkies, or any Officer of another Department duly authorized to make a seizure of Salt, or any person acting in aid of the Superintendent, or any officer as aforesaid, in the due execution of this Act, shall be liable to a fine not exceeding Five Hundred Rupees: and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

Penalty of Rs. 200 on Officer causelessly delaying to report arrest, seizure or search.

XV. Any Officer of Salt Chowkies, or any Officer of another Department duly empowered to make a seizure of Salt, who, without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure, or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding Two Hundred Rupees.

Penalty of Rs. 500 on Officer vexatiously seizing goods or arresting persons.

XVI. Any Officer of Salt Chowkies, or any Officer of another Department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for Contraband Salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding Five Hundred Rupees.

Penalty of Rs. 500 on Officer conniving at evasion of this Act or fraud upon the revenue.

XVII. Any Officer employed in the Salt Chowkie Department, or any Officer of another Department as aforesaid, who shall connive at the smuggling of Salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from Salt defrauded, shall be liable to a fine, not exceeding Five Hundred Rupees.

Penalty of Rs. 500 on Officer asking or taking unauthorized gratuity, and on person offering a bribe.

XVIII. Any Officer employed in the Department of Salt Chowkies, or any Officer of another Department as aforesaid, who shall ask or take any gratuity, not authorized by any law, or order of Government or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person who shall offer a bribe to any such officer, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine not exceeding Five Hundred Rupees.

Person arrested by Superintendent to be taken

XIX. Whenever the Superintendent shall arrest any person, or shall seize any Contraband Salt, he shall, with all con-

venient despatch, carry the person arrested, with the Salt, and any other chattels liable to confiscation seized therewith, before any Justice of the Peace for the Town of Calcutta, and if the arrest or seizure shall be made by any of his subordinate officers, or other officer duly empowered, such officer shall immediately carry the person arrested and the articles seized to the Superintendent, who shall thereupon proceed as if the arrest or seizure had been made by himself. Provided, that nothing in this Section shall be construed to prevent the Superintendent from releasing any persons arrested, or property seized, when he considers such persons or property to have been improperly arrested or seized.

before Justice. Person arrested by subordinate Officer to be taken to Superintendent, who may release him if improperly arrested.

XX. Whenever any Salt or other chattels shall be seized by the Superintendent or other duly authorized Officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons, to whom such Salt or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon confiscation thereof shall issue his Warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt and Opium.

J. P. to summon owner and determine summarily as to the seizure.

XXI. Whenever any Salt or other chattels shall be seized as aforesaid, and no person shall appear before the Superintendent, within one calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the *Calcutta Gazette*, and give judgment for the confiscation of such Salt and other chattels, as, upon such examination, shall appear to him confiscable; and upon confiscation thereof shall issue his warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

If no claimant appear within one month before the Superintendent, Justice may confiscate and order sale of the Salt.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the Town of Calcutta, and

All fines to be adjudged by a J. P. upon infor-

mation exhibited by the Superintendent but not more than three months after the fact.

the said Justice, upon information exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the act for which the fine may be demandable, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail of Calcutta for a period not exceeding six months, or until the fine is sooner paid.

For second offence, an additional penalty of six months' imprisonment

XXIII. Whenever any person shall be convicted before any Justice, of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second

One-half of all fines and proceeds of sale to be awarded to seizing officers, and the other half to the informer if no fine realized, the Board may grant rewards up to Rs. 200.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation, or storing of Salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the officer or officers subordinate to the Superintendent, or other duly authorized Officer of another Department, who apprehended the offender or seized the illicit articles; and the other half of all such fines and proceeds shall be given to the Informer; and if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of Two Hundred Rupees, as may appear to them fit; and such Officers and Informers shall further be entitled to the rewards specified in Section 4, Act No. IX. 1835. Provided

that the Board of Customs, Salt and Opium may direct, by general order, what classes of Officers of Salt Chowkies shall receive rewards, and what classes shall have no title to share in them.

Fines unprovided for to belong to Government, but Board may grant one half as rewards or compensation.

XXV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

Writ of Certiorari not to lie, and Judgment not to be quashed, except for error on the face thereof.

XXVI. No writ of Certiorari shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove, or in anywise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

Board, within one month after penalty or confiscation adjudged, may call for the proceedings and give relief.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case, (with which requisition the Justice of the Peace shall be bound to comply) and, if they shall see cause, may direct that the seizure or any part thereof be restored, and remit or mitigate the penalty, and discharge the party.

Proceeding against any officer for any thing done under this Act to be commenced within three months and after one month's notice.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any Officer of Salt Chowkies, or any Officer of another Department duly empowered to seize Contraband Salt, or any person acting in aid of the Superintendent or other Officer as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant, one calendar month at least before

the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

Definition of "alimentary Salt."

XXIX. The term alimentary Salt as used in this Act shall be held to include and apply to Noonchye, Puckwah, and every other kind of salt substance, used as a seasoning for food.

ACT No. XIV. OF 1850.

Repealed by Act XVII. 1862

ACT No. XV. OF 1850.

Reg XVIII 1827, Sec 6, Cl 1, repealed.

An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay

Whereas it is inconvenient to specify particularly by law the stamped materials to be used in the Presidency of Bombay, it is enacted as follows:

1. Clause 1st, Section 6, Regulation XVIII. 1827, of the Bombay Code, is repealed.

ACT No. I. OF 1850.

Repealed by Act VI. 1857.

ACT No. II. OF 1850.

Repealed by Act VIII. 1855, Sec. 56.

ACT No. III. OF 1850.

Repealed by Act X. 1861.

ACT No. IV. OF 1850.

Repealed by Act XI. 1853.

ACT No. V. OF 1850.

Foreign Ships put on same footing as British Ships in the Coasting Trade of India.

An Act for freedom of the Coasting Trade of India.

Whereas by an Act of Parliament passed in the thirteenth year of the reign of Her Majesty, intituled, *An Act to amend the Laws in force for the encouragement of British Shipping and Navigation,* it is enacted with regard to the Coasting Trade of India, that it shall be lawful for the Governor-General of India in Council to make any Regulations authorizing or permitting the conveyance of goods or passengers, from one part of the possessions of the East India Company to another part thereof, in other than British Ships, subject to such restrictions or Regulations as he may think necessary, It is enacted as follows:

I. Goods and Passengers may be conveyed, from one part of the territories under the Government of the East India

Company to another part thereof, in other than British Ships, without any restriction, other than is or shall be equally imposed on British Ships, for securing payment of duties of customs or otherwise.

ACT No. VI. OF 1850.

Repealed by Act XXIX 1861

ACT No VII. OF 1850.

Repealed by Act XVII 1862

ACT No. VIII. OF 1850.

Repealed by Act X 1861

ACT No IX OF 1850

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1 *New Courts of Commissioners and of Requests in the Presidency towns to be held according to this Act after proclamation*

2 *Defines the terms "Governor in Council" and "Supreme Court"*

3 *From the day named in proclamation all prior provisions regarding the constitution or practice of the Court to be repealed*

4 *New Courts to be styled "Courts of Small Causes"*

5 *Jurisdiction of new Courts to be the same as of the old, but may be extended from time to time by proclamation*

6 *Small Cause Courts to be Courts of Record*

7. *Proceedings already commenced may be continued under this Act*

8 *Judges not to be more than three in number, and one to be a Barrister at Law or Advocate*

9 *No Judge to practise as an Advocate, Attorney, or Vakeel, or to trade or traffic*

10 *Judges how to be removed*

11 *Any Judge of the Supreme Court may act as a Small Cause Judge, and may sit in the Supreme Court while so doing*

12 *The duties of Clerk and Bailiffs to be performed in such case by Officers of the Supreme Court specially appointed who shall be remunerated out of the fees.*

13. *The Judges may appoint and remove a Clerk with the approval of Government.*

14. *Duties of Clerk.*

15. *The Judges may appoint or suspend or dismiss Bailiffs.*

16. *Duties of Bailiffs.*

17. *Clerk or Officers not to act as Attorney or Vakeel, or be concerned in trade or profession directly or indirectly.*

18. *Clerk and Bailiffs to give security.*

19. *Fees to be paid according to Schedule, and two annas in the Rupee besides the amount claimed.*

20. *Fees when to be paid. In case of compromise before hearing, half fees to be returned. Judges may remit fees or costs wholly and in part to poor persons.*

21. *Government may lessen and again increase fees, within the limits given in Schedule.*

22. *Government may make rules for securing balances, &c., in hands of Officers of Court.*

23. *Holidays. Powers of Judges to sit together or apart*

24. *Court to have Seal, and forging such Seal or enforcing false process, to be a felony.*

25. *Jurisdiction* to *extend to debt, damages, or property not exceeding Rs.* 500, *but not to extend to matters concerning the Revenue, nor to suit for libel or slander, nor to any public act ordered or done by the Governor-General, the Governor, or any Member of Council or Judicial Officer. Suits to be determined summarily, and equitable defences to be admitted.*

26. *Form of summons and mode of service thereof.*

27. *Judge may rectify mis-statement of the cause of action by altering the record. Procedure in such case.*

28. *Jurisdiction to extend to persons dwelling, or working for gain, within the district at the time of action, or of cause of action, or within six months of action brought, if the cause of action arose within the same time.*

29. *Process to be served out of the district by endorsement of the local Magistrate or Judge.*

30. *Service of process out the district to be proved by affidavit or solemn affirmation before local Magistrate or Judge.*

31. *Minor may sue for wages, or piece work, or work as a Servant.*

32. *Jurisdiction to extend to Legacies, or unliquidated balance of partnership account, or distributive share under an intestacy.*

33. *Executor or Administrator may sue, but shall not be sued till six months after the death of the deceased.*

34. *Plaintiff not to divide any cause of action, but may abandon excess beyond Rs.* 500.

35. *The Governor-General, the Governors of Presidencies, Members of Council, and the Judges of Supreme Courts not liable to arrest.*

36. *Service of Summons upon one of several jointly liable, to be sufficient; in case of misjoinder of defendants, the suit may proceed against such only as are liable.*

37. *All questions of fact, or Law or Equity, to be determined as in Supreme Court.*

38. *On appearance, the Judge shall try the case summarily without further pleading.*

39. *Defendant may plead set-off whether for Rs. 500 or more, and if judgment be given against him, may sue plaintiff for balance only of original demand.*

40. *Reference to arbitration.*

41. *Power of Judges to make general rules and forms, unless disapproved by Supreme Court.*

42. *On non-appearance of plaintiff, cause to be struck out. On his failure to prove his case, Court may non-suit him, or give judgment for defendant, and may award costs and satisfaction to defendant if he appear. Judgment may be for plaintiff in his absence, if defendant admit the whole cause of action.*

43. *If defendant shall not duly appear after service of summons, the Court may issue attachment, or hear the cause ex-parte.*

44. *Judge may grant time to plaintiff or defendant, or adjourn the hearing.*

45. *Defendant may pay money into Court, and if plaintiff still proceed and do not recover any further sum, he shall pay defendant's costs.*

46. *The parties to the suit, their wives, and all other persons, may be examined as witnesses subject to rules as to purdah women.*

47. *Witnesses how to be examined; false evidence to be perjury.*

48. *Parties may obtain from the Clerk Subpœnas either ad testif. or duces tecum.*

49. *Penalty of Rs. 100 upon person disobeying Subpœna, or refusing to give evidence, if present in Court and required to do so.*

50. *Judge may issue body warrant against person proved to be evading process, or fraudulently disposing of his effects, or intending to withdraw from the jurisdiction.*

51. *Fine under this Act to be enforced in the same manner as a judgment debt.*

52. *In default of special direction, Costs to abide the event of the action.*

53. *Order of Court to be final, unless the Judges nonsuit the plaintiff or order a new trial.*

54. *No case under Rs. 100 to be removed into the Supreme Court; and cases above Rs. 100, only by leave of a Judge of that Court and on terms.*

55. *Judges may reserve any question of law for the opinion of the Supreme Court. If two Judges differ the question shall be referred.*

56. *Judges may order payment by instalments.*

57. *If there be cross judgments, execution shall be taken out only for the balance of the larger sum, and if the judgments be equal, satisfaction shall be entered on both.*

58. *Execution may be against either the body or goods, by writ issued by the Clerk to the Bailiff, at the request of Judgment Creditor. Police to aid the Bailiff.*

59. *In default of payment of any instalment, execution may issue without further notice, either for the whole or a part of the balance of the unpaid balance of the decree.*

60. *Debtor taken in execution to remain in prison for such term, not longer than 6 months, as the warrant shall direct.*

61. *Execution not to issue against body and goods at the same time, nor twice against the body.*

62. *Execution not to issue, till diet money for one week be deposited with the Clerk.*

63. *On notice of execution, creditor shall deposit with the Jailor diet money for the rest of the month, and thereafter monthly in advance.*

64. *In default of payment, debtor to be discharged by the Court.*

65. *Diet money to be costs in the cause.*

66. *Court may order discharge of prisoner on his giving satisfactory security for the debt.*

67. *On payment prisoner to be forthwith discharged.*

68. *After imprisonment in execution, debtor's property to be still liable for the debt.*

69. *What may be seized in execution.*

70. *If Bailiff seize securities for money, he shall deliver them to the Clerk, and Plaintiff may afterwards sue for them in defendant's name.*

71. *In case of defendant's sickness, &c., Judges may suspend execution, &c.*

72. *Goods seized not to be sold till after 5 days, unless perishable.*

73. *Goods to be placed in safe custody till sale.*

74. *Judges may appoint custodians and sworn brokers and appraisers, who shall give security.*

75. *Goods seized to be sold only by them.*

76. *Costs of appraisement and sale to be one anna in the Rupee on the proceeds.*

77. *Clerk to keep an account.*

78. *If defendant quit the jurisdiction after judgment, the Zillah Judge on application may execute the judgment.*

79. *No judgment or execution to be stayed, &c., on writ of error or supersedeas unless the amount exceed Rs. 100, and then only on security being given.*

80. *Clerk to state on the warrant the debt and costs due, and on tender thereof to Clerk or Bailiff before sale, execution shall be superseded.*

81. *Record how to be kept by Clerk and authenticated by Judge. Certified copy to be evidence.*

82. *The Clerk in March of every year to make a list of all sums in Court unclaimed for* 5 *years. List to be published in the Court house, and if unclaimed for a sixth year to be carried to Fee Fund: and thenceforth all claims but those of Infants, &c., to be barred.*

83. *Penalty for contempt of Court.*

84. *Penalty of Rs.* 100, *for assault on Officer or Bailiff or rescue of person or goods seized.*

85 *Bailiff neglecting duty, to be liable for damages sustained by plaintiff thereby.*

86. *Penalty of Rs.* 100, *on Clerk, Bailiff or Officer for extortion or misconduct, or not duly accounting for money levied.*

87. *Penalty on Clerk, Officer, or Bailiff for corruption.*

88. *Procedure in case of seizure of goods of wrong person.*

89. *Powers of Act VII.* 1847, *extended to distresses for all arrears of rent not exceeding Rs.* 500, *under this Act.*

90. *Affidavit of arrear under Act VII.* 1847, *as extended, how to be made.*

91. *Court may issue Summons against tenants holding over after determination of lease or occupying without leave, if the yearly rent do not exceed Rs.* 500.

92. *If tenant or occupier do not appear, the owner may prove his case.*

93. *On proof of service of Summons, Judges may issue warrant of possession, entry under which shall not be made on a Court holiday nor from* 6 P. M. *to* 6 A. M. *Warrant to protect Bailiff, but not the person suing it out.*

94. *Summons to be served personally, unless by leave of Court.*

95. *No action to lie against Judges or Clerk by reason that the person suing out the warrant had not lawful right to possession.*

96. *If the person suing out warrant had lawful right to possession, the irregular execution thereof shall not be a trespass, but party aggrieved may sue on the case, and prove special damage.*

97. *Suing out warrant by person not lawfully entitled to possession to be a trespass, though no entry be made. Execution of warrant may be stayed, if tenant give security to try the right.*

98. *Recovery of possession to be no bar to a suit in the Supreme Court as to the title.*

99. *Bonds for staying execution, &c., to be given to plaintiff, but approved and attested by the Court. If forfeited, how to be enforced.*

100. *Actions may be brought, as before the passing of this Act, in the Supreme Court against any Officer of the S. C. Court, except for goods taken in execution.*

101. *If plaintiff sue in the Supreme Court except under last Section, when he might have sued in the S. C. Court, and obtain verdict for less than Rs. 500, on contract, or Rs. 100 in tort, he shall recover no costs : and if he obtain no verdict, defendant shall recover full costs.*

102. *If plaintiff sue any officer of the S. C. Court in the Supreme Court, and obtain verdict for less than Rs. 500, he shall recover no costs unless the Judge certifies.*

103. *Penalties, fines and forfeitures under this Act, if not specially provided for, may be recovered on summary conviction before a Justice or Magistrate by distress and sale.*

104. *If penalty be not paid, offender may be detained till warrant of distress be returned.*

105. *If upon return of warrant the amount shall not have been levied, offender may be committed for 3 months.*

106. *Penalties to be paid to the Clerk and carried by him to the Fee Fund.*

107. *Justice may proceed by summons for recovery of penalty.*

108. *Form of conviction whether by Judge or Justice.*

109. *No order, verdict, &c to be quashed for want of form.*

110. *Distress not be deemed unlawful for want of form, but party aggrieved may sue for special damages.*

111. *Limitation of actions for things done in pursuance of this Act Schedule of fees.*

An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras and Bombay.

Whereas it is expedient to amend the constitution and practice, and to extend the jurisdiction, of the several Courts established at Calcutta, Madras and Bombay, for the Recovery of Small Debts, It is enacted as follows :

Courts of Commissioners and of Requests in the Presidency Towns to be held according to this Act after proclamation.

I. The several Courts of Commissioners, and of Requests for the Recovery of Small Debts, now holden in the Towns of Calcutta, Madras and Bombay, under the authority of the Charter of Justice of King George the Second, and of two Acts of Parliament, severally passed in the thirty-seventh year and fortieth year of the reign of King George the Third, and of the Regulations and Proclamations made, from time to time, for constituting and for new-modelling, altering and reforming the constitution and practice of the said Courts respectively, and of Act XII. 1848, shall be holden according to the pro-

visions of this Act, from and after such several days as shall be declared within the said Towns by proclamation, to be made and published in due form of law in each of the said Towns by the Governor in Council.

Defines the terms "Governor in Council" and "Supreme Court."

II. Where in this Act the words "Governor in Council," or "Supreme Court," are used, they shall be taken to apply severally to the person or persons administering the executive Government, and to the Supreme Court established under Royal Charter of each of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, with reference only to the Court holden under this Act, in the same Presidency.

Prior provisions regarding the constitution or practice of the Court to be repealed.

III. From and after the day declared in any such proclamation, all provisions of the said Charter of Justice, and Acts of Parliament, and of any Regulation, Act or Proclamation heretofore made, concerning the constitution or practice of the Court referred to in such proclamation, shall be rescinded and repealed.

Style of the new Courts.

IV. The style of the several Courts holden under this Act shall be the (   ) Court of Small Causes, inserting in the blank space, Calcutta, Madras or Bombay, as the case requires.

Jurisdiction to be the same as of old, but may be extended.

V. The jurisdiction of the several Courts, holden under this Act, shall extend over the whole district now within the jurisdiction thereof respectively, and over such further district as may, from time to time, be declared by proclamation of the Governor in Council: provided, that no proclamation for extending the district of any of the said Courts be made without the previous sanction of the Governor-General of India in Council.

Small Cause Courts to be Courts of Record.

VI. Every Court holden under this Act shall be a Court of Record, and shall be deemed a Court of Requests within the meaning of Act VII. 1841, Section 6.

VII. All proceedings commenced in any of the said Courts, before the time when the constitution and practice of such Court shall be altered under this Act, may be continued, executed and enforced against all persons liable thereunto, in the same manner as if they had been according to this Act: and each of the said Courts shall be empowered, in any case of doubt as to the proper manner of continuing, executing or enforcing any such proceedings, to make such orders thereon as shall appear to the Court to be necessary for giving full effect to this enactment.

Proceedings already commenced may be continued under this Act.

VIII. The Governor in Council shall appoint as many persons as are necessary, not exceeding three, to be Judges of the Court, one of whom shall be a Barrister at Law, or Advocate of one of the Supreme Courts of India, or of the Court of the Session in Scotland.

Judges not to be more than three in number and one to be a Barrister at Law or Advocate.

IX No Judge appointed under this Act shall, during his continuance as such Judge, practise as an Advocate, Attorney or Vakeel in any of the Queen's Courts, or in any Court of the East India Company, or trade or traffic for his own benefit, or for the benefit of any other person, or be the partner of any person so practising, trading or trafficking.

No Judge to practise, or to trade or traffic.

X. The Governor-General of India in Council may remove any such Judge on the application of the Governor in Council.

Judge how to be removed.

XI. Any Judge or Judges of the Supreme Court of Judicature, who shall consent to aid in the execution of this Act, may exercise all the powers of a Judge appointed under this Act, and suits may be tried by him sitting in the Supreme Court under this Act, in like manner as if he were a Judge of the Court of Small Causes, and no appointment of a Judge under this Act shall be made, while it appears to the Governor in Council that the whole business of the Court can be transacted by the Judges of the Supreme Court so consenting to act.

Any Judge of the Supreme Court may act as a Small Cause Judge, and may sit in the Supreme Court while so doing.

The duties of Clerk and Bailiffs how to be performed in such case, and how to be remunerated.

XII. The duties herein directed to be performed by the Clerk and Bailiffs respectively of the Court of Small Causes shall be performed, in such cases as are tried by a Judge of the Supreme Court, by such Ministerial Officers of the Supreme Court as shall be, from time to time, appointed by the said Judge of the Supreme Court for that purpose, and the persons so appointed shall have all the powers and protections by this Act given to the Clerk and Bailiffs of the Court of Small Causes respectively, and shall receive such remuneration for their services out of the fees received in the causes tried by a Judge of the Supreme Court as he shall deem reasonable, and the residue shall form part of the general fund of the Court of Small Causes.

The Judges may appoint and remove a Clerk, with the approval of Government.

XIII. There shall be a Clerk for every Court holden under this Act, whom the Judges of the Court shall appoint, subject to the approval of the Governor in Council, and may remove, subject to the like approval: if necessary, additional Clerks may be appointed with the sanction of the Governor in Council.

Duties of Clerk.

XIV. The Clerk of each Court shall issue all summonses, warrants, precepts and writs of execution, and keep an account of all proceedings of the Court, and shall take charge of, and keep an account of all Court fees, and fines payable or paid into Court, and of all monies paid into and out of Court, and shall enter an account of all such fees, fines and monies in a book belonging to the Court, to be kept by him for that purpose, and shall monthly, or at such other times as shall be directed by the Governor in Council, submit his accounts to be audited or settled in such manner as the Governor in Council, from time to time, shall direct.

The Judges may appoint or suspend or dismiss Bailiffs.

XV. The Judges of every such Court shall, from time to time, appoint a sufficient number of persons to be Bailiffs of the Court, not exceeding the number from time to time allowed by the Governor in Council, and may at their pleasure suspend or dismiss any Bailiff so appointed.

XVI. The Bailiffs shall attend every sitting of the Court, for such time as shall be required by the Judges, and shall serve all the summonses and orders, and execute all the warrants, precepts and writs, issued out of the Court; and shall, in the execution of their duties, conform to all such general rules as shall be, from time to time, made for regulating the proceedings of the Court.

Duties of Bailiffs.

XVII. Every Clerk, or other officer of any such Court, who shall, by himself or by any partner, or in any way, directly or indirectly, be concerned or act as Attorney, or Vakeel, or be concerned in any trade or profession on his own account, or for any other person, shall forfeit and pay the sum of Five Hundred Rupees to any person who shall sue for the same in the Supreme Court by action of debt or on the case.

Clerk or Officers not to act as Attorney, or Vakeel, or be concerned in trade or profession, directly or indirectly.

XVIII. The Clerk and Bailiffs shall give security for such sum, and in such manner and form, as the Governor in Council from time to time shall order, for the due performance of their several offices, and for the due accounting for and payment of all monies received by them under this Act, or which they may become liable to pay for any misbehaviour in their office.

Clerk and Bailiffs to give security.

XIX. There shall be payable in the Courts holden under this Act the fees set forth in the annexed Schedule, beside the sum of Two Annas in the Rupee on the amount of the sum claimed, which fees shall be paid over to an account to be termed the General Fund of the Court.

Fees to be paid according to Schedule and two annas in the Rupee besides, on the amount claimed.

XX. The ratable fee or commission shall be paid by the plaintiff before the summons issues; the other fees on every proceeding shall be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding · if the plaintiff recovers a less sum than he has demanded, the defendant shall not, in any case, be required to repay to him more than the fees and commission calculated upon the sum recovered. If the case is settled by

Fees when to be paid. In case of compromise before hearing, half fees to be returned. Judges may remit fees or costs.

agreement of the parties, before hearing, half the amount of the fees paid up to that time shall be returned to the parties by whom they have been severally paid. The Judges of the said Court may at their discretion grant summons to poor plaintiffs without deposit, or with a partial deposit of fees and commission, and also may remit costs wholly or partially to poor suitors.

Government may lessen and again increase fees.

XXI. The Governor in Council may, at any time, lessen the amount of the fees to be taken in the Courts holden under this Act in such manner as to him shall seem fit, and may again increase such fees, so that the scale of fees given in this Act be not in any case surpassed.

Government may make rules for securing balances, &c.

XXII. The Governor in Council shall, from time to time, make such rules as to him shall seem meet for securing the balances, and other sums of money in the hands of any officers of every Court holden under this Act, and for the due accounting for and application of all such balances and other sums of money.

Holidays. Powers of Judges to sit together or apart.

XXIII. The Courts shall sit daily, except on Sundays, Christmas-day and Good Friday, and on Native or other Holidays, which the Governor in Council shall direct the Court to observe; and each of the Judges may sit apart from the others or with either of them, at the same time or at different times; and any one or two of the said Judges so sitting apart shall have all the judicial authority, which is herein given to all the Judges.

Court to have Seal; and forging such Seal, or enforcing false process, to be a felony.

XXIV. A Seal shall be made for every Court holden under this Act, under the direction of the Governor in Council, and all summonses and other process issuing out of the Court shall be sealed or stamped with the Seal of the Court; and every person who shall forge the Seal or any process of the Court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver, or cause to be delivered to any person any paper falsely purporting to be a copy of

any summons, or other process of the said Court, knowing the same to be false, or who shall act or profess to act under any false color or pretence of the process of the said Court, shall be guilty of felony.

Jurisdiction to extend, and not to extend, to what causes of action. Suits to be tried summarily, and equitable defences to be admitted.

XXV. All suits, where the debt or damage claimed or value of the property in dispute is not more than Five Hundred Rupees, whether on balance of account or otherwise, may be brought in the Court of Small Causes; and all such suits brought in the said Court shall be heard and determined in a summary way, and every defence which would be deemed good in the Supreme Court sitting as a Court of Equity shall be a good bar to any legal demand in the Court of Small Causes. Provided always, that the Court shall not have jurisdiction in any matter concerning the Revenue, or concerning any Act ordered or done by the Governor, or Governor-General, or any Member of the Council of India or of any Presidency, in his public capacity, or done by any person by order of the Governor-General or Governor in Council, or concerning any act ordered or done by any Judge or Judicial Officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court, or any such Judge or Judicial Officer, or in any suit for libel or slander.

Form of summons and mode of service thereof.

XXVI. On the application of any person desirous to bring a suit under this Act, the Clerk of the Court shall issue, under the seal of the Court a summons which shall be numbered, and shall set forth the names of the plaintiff and defendant, the cause of action with such particulars as shall be, from time to time, directed by the Rules of the Court, and the amount sued for, and shall be served on the defendant, so many days before the day on which the Court shall be holden at which the cause is to be tried as shall be directed by the rules for regulating the practice of the Court; and delivery of such summons to the defendant, or in such other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer or inaccurate description of any person or place in any such summons shall vitiate the same, if

the person or place be therein described so as to be commonly known.

Judge may rectify mis-statement of the cause of action by altering the record.

XXVII. No misstatement of the cause of action in the summons issued under this Act shall vitiate the same, and the Judges of the Court may, in their discretion, rectify such misstatement as soon as discovered, and alter the record accordingly; and if the defendant, or one of the defendants be present in Court at the time of such discovery, the hearing of the cause after the record shall have been so altered, shall be proceeded with as if no such misstatement had happened, but in the absence of the defendant or of all the defendants a new summons of the same number and date as the original summons shall be issued with the altered statement of the cause of action.

Jurisdiction to extend to what persons.

XXVIII. All persons shall be deemed within the jurisdiction of the Court, who dwell, or carry on their business, or work for gain within the district of the Court at the time of bringing the action, or who did so dwell or carry on their business or work therein at the time when the cause of action arose, or within six months before the time of bringing the action for causes of action which arose within the same time.

Process to be served out of the district by endorsement of local Magistrate or Judge

XXIX. Any summons or other process of any of the said Courts, service of which is needed out of the district of the Court, may be exhibited in any Court of Law, or before any Magistrate, and shall be thereupon endorsed by the Magistrate or Judge of such Court; And, when so endorsed, may be served in like manner as any order or process from such Court or Magistrate; and such service shall be as valid as if the same had been made by the Bailiff of the Court out of which such summons or other process shall have issued within the jurisdiction of the Court for which he acts.

Service of process out of the district how to be proved.

XXX. Service of any summons or other process of the Court, which shall require to be served out of the district of the Court, may be proved by affidavit, or solemn affirmation,

purporting to be sworn or made before any Judge or Magistrate; and, in every case of the unavoidable absence of the Bailiff by whom any summons or other process of the Court has been served, the service of such summons or other process may be proved, if the Judges think fit, in the same manner as a summons served out of the district of the Court.

Minor may sue for wages, or piece work, or work as a Servant.

XXXI. Any minor may prosecute a suit in any Court holden under this Act for any sum of money not greater than Five Hundred Rupees, which may be due to him for wages, or piecework, or for work as a servant, in the same manner as if he were of full age.

Legacies, unliquidated balances of partnership accounts, and distributive shares under an intestacy.

XXXII. The jurisdiction of the Court shall extend to the recovery of any demand, not exceeding the sum of Five Hundred Rupees, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

Executor or administrator may sue, but shall not be sued till six months after death of deceased.

XXXIII. Any Executor or Administrator may sue and be sued in any Court holden under this Act, in like manner as if he were a party in his own right; and judgment and execution shall be such as in the like case would be given or issued in the Supreme Court: but no Executor or Administrator shall be summoned in that capacity within six months after the death of the person, whose Executor or Administrator he is.

Plaintiff not to divide any cause of action, but may abandon excess beyond Rs. 500.

XXXIV. A plaintiff shall not be allowed to divide any cause of action, for the sake of bringing two or more suits in any of the said Courts; but any plaintiff, having cause of action for more than Five Hundred Rupees, may abandon the excess, which shall be entered in the record, and stated in the summons, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding Five Hundred Rupees; and the judgment of the Court shall be in full discharge of all demands in respect of such cause of action; and entry of the judgment shall be made accordingly.

Certain persons not liable to arrest.

XXXV. The Governor-General and Members of the Supreme Council of India, the Governors and Members of Council of the Presidencies of Fort William in Bengal, Fort St. George and Bombay respectively, and the Chief Justices and Judges of the several Supreme Courts established therein by Royal Charter, shall not be liable to arrest or imprisonment by process issuing out of any Court holden under this Act, and no writ or process shall be sued out of the said Court against any of the persons privileged by Act I. 1811, or Act XVIII. 1848, without the consent of the Governor in Council.

Service of Summons upon one of several jointly liable to be sufficient; in case of misjoinder of defendants, the suit may proceed against such only as are liable.

XXXVI. Where any plaintiff shall have any demand recoverable under this Act, whether founded on contract or wrong, against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained and execution issued against the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the Court; and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover, in the Court holden under this Act, contribution from any other person jointly liable with him; and in all cases of misjoinder of defendants, the Judges may order the suit to proceed against such of the defendants only against whom cause of action appears, and may give judgment against them only; giving also judgment for costs for the defendants improperly joined.

All questions to be determined as in Supreme Court

XXXVII. The Judges of the Court shall be empowered to determine all questions as well of fact as of law or equity, as administered in the Supreme Court, in all cases which they have authority to try.

On appearance, the Judge shall try the case summarily without further pleading.

XXXVIII. On the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer; and on answer being made in Court, the Judges shall proceed in a summary way to

try the cause and give judgment, without further pleading or formal joinder of issue.

Defendant may plead set-off, whether for Rs. 500 or more.

XXXIX. A defendant, having any cause of action against the plaintiff, whether or not the same exceeds Five Hundred Rupees, shall be entitled to set the same against the plaintiff's demand, and if judgment is given in such case for the plaintiff, shall be entitled to sue the plaintiff for the balance only of his original demand, after deducting the amount of debt or damages and costs recovered against him under this Act.

Reference to arbitration.

XL. The Judges may, in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration, to such person or persons, and in such manner and on such terms as they shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the Judges; and the award of the Arbitrator or Arbitrators or Umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents, as if given by the Judges; provided, that the Judges may, if they think fit, on application to them at the first Court held after the expiration of one week after the entry of such award, set aside any such award, or may, with the consent of both parties, revoke the reference, or order another reference to be made in the manner aforesaid.

Power of Judges to make general rules and forms.

XLI. The Judges of each Court holden under this Act, subject to the approval of the Judges of the Supreme Court, shall have power to make and issue all the General Rules for regulating the practice and proceedings of the Court, and also to frame Forms for every proceeding in the Court for which they shall think it necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the Clerk of the Court, and, from time to time, to alter any such Rule or Form; and the Rules so made and the Forms so framed, shall be observed and used in the Court of that Presidency, and shall be sent to Supreme Court for approval, but shall be of force

until disapproved; and in any case, not expressly provided for herein, or by the said Rules, the general principles of practice in the Supreme Court may be adopted and applied, at the discretion of the Judges, to actions and proceedings in their Court.

On non-appearance of plaintiff, cause to be struck out. On his failure to prove his case, Court may nonsuit him, or give judgment for defendant, and award costs and satisfaction. Judgment may be for plaintiff in his absence, if defendant admit.

XLII. If, upon the day of the return of any summons, or at any continuation or adjournment of the said Court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the Court, the Judges may nonsuit the plaintiff or give judgment for the defendant; and, in either case, where the defendant shall appear and shall not admit the demand, may award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as they, in their discretion, shall think fit; and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same Court can be recovered; provided always, that if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorized on his behalf, shall appear and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the Court, if it shall think fit, may proceed to give judgment, as if the plaintiff had appeared.

If defendant shall not appear, Court may issue attachment or hear the cause ex-parte.

XLIII. If on the day so named in the summons, or at any continuation or adjournment of the Court, or cause in which the summons was issued, the defendant shall not appear or sufficiently excuse his absence, or shall neglect to answer when called in Court, the Judges, upon due proof of service of the summons, may issue a writ of attachment to compel the appearance of the defendant; or, in their discretion, may proceed to the hearing on trial of the cause on the part of the plaintiff only; and the judgment thereupon shall be as valid as if both parties had attended; Provided always, that the Judges in any such case, at the same or any subsequent Court, may set aside any judgment so given in the absence of

the defendant, and the execution thereupon; and may grant new trial of the cause upon such terms, as to payment of costs, giving security for debt or costs, or otherwise, as they think fit, on sufficient cause shown to them for that purpose.

Judge may grant time or adjourn the hearing.

XLIV. The Judges may, in any case, make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may, from time to time, adjourn any Court or the hearing or further hearing of any cause, in such manner as to them may seem fit.

Defendant may pay money into Court, and if plaintiff do not recover more, he shall pay costs.

XLV. The defendant in any action brought under this Act for the recovery of money, whether for debt or damages, within such time as shall be directed by the rules for regulating the practice of the Court, may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, with the costs incurred by the plaintiff up to the time of such payment; and the said sum of money shall be paid to the plaintiff; but, if he shall elect to proceed, and, if the plaintiff shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and such costs shall be settled by the Court, and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff.

All persons may be examined as witnesses subject to rules as to purdah women.

XLVI. On the hearing or trial of any action or any other proceeding under this Act, the parties thereto, their wives, and all other persons, may be examined, on behalf of either the plaintiff or defendant, subject nevertheless to the Acts and Regulations in force, with respect to the examination of women of a rank and situation in life, which, according to the customs of the country, would render it improper to compel them to appear in a Court of Justice.

Witnesses how to be examined; false evidence to be perjury.

XLVII. Every person shall be examined on oath, or when exempt by law from taking an oath in any Court of Justice, on solemn affirmation, and every person, who, in any

examination upon oath or solemn affirmation under this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

Subpœnas.

XLVIII. Either of the parties to the suit or any other proceeding under this Act may obtain, at the office of the Clerk of the Court, summonses to witnesses, with or without a clause requiring the production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

Penalty of Rs. 100 for disobeying Subpœna or refusing to give evidence if present in Court.

XLIX. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court, and who shall refuse or neglect without sufficient cause to appear, or to produce any books, papers or writings required by such summons to be produced, and also every person present in Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding One Hundred Rupees, as the Judges shall set on him; and the whole or any part of such fine, in the discretion of the Judges, after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

Body warrant against person evading process, or fraudulently disposing of his effects, or intending to withdraw from the jurisdiction.

L. The Judges of any Court established under this Act, in all suits where the debt or demand exceeds the sum of Thirty Rupees, upon proof before them that any defendant, against whom a summons has been taken out, conceals himself from, or otherwise evades process of the Court, or is disposing of his property and effects with intent to defraud the plaintiff or his creditors generally, or is about to withdraw his person or effects from the jurisdiction of the Court, may issue a warrant for the apprehension of such person, and may commit him to gaol until he shall find security for his appearance in the said Court, from time to time until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein.

LI. Payment of any fine imposed by any Court under the authority of this Act may be enforced upon the order of the Judges, in like manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

Fine to be enforced as a judgment debt.

LII. All the costs of any action or proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the parties, in such manner as the Judges shall think fit; and, in default of any special direction, shall abide the event of the action; and execution may issue for the recovery of any such costs, in like manner as for any debt adjudged in the said Court.

In default of special direction, Costs to abide the event.

LIII. Every order and judgment of any Court holden under this Act, except as herein provided, shall be final and conclusive between the parties; but the Judges shall have power to nonsuit the plaintiff, in every case in which satisfactory proof shall not be given to them, entitling either the plaintiff or defendant to the judgment of the Court; and shall also in every case whatever have the power, if they shall think fit, to order a new trial to be had, upon such terms as they shall think reasonable, and in the meantime to stay the proceedings.

Order of Court to be final, unless the Judges nonsuit the plaintiff or order a new trial.

LIV. No cause commenced in any Court holden under this Act shall be removed from the said Court into the Supreme Court by any writ or process, unless the debt or damage or value of the property claimed exceeds One Hundred Rupees, and then only by leave of a Judge of the said Supreme Court, on proof to his satisfaction that some question of law or equity is likely to arise therein, which, by reason either of its difficulty, novelty or general importance, or of some erroneous course of decision on the same point in the Court of Small Causes, may appear to him fit to be tried in the Supreme Court, and upon such terms as to payment of costs, giving security for debt or costs, or otherwise, as he shall think fit.

No case under Rs. 100, to be removed into the Supreme Court; and cases above Rs 100, only by leave and on terms.

Judges may reserve any question of Law for the opinion of the Supreme Court. If two Judges differ, the question shall be referred.

LV. The Judges of the Court of Small Causes may, in their discretion, reserve any question of law or equity on which they entertain doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the Judges of the Supreme Court, and shall give judgment, contingent upon the opinion of the said Supreme Court on a case, which they shall thereupon be entitled to state to the said Court. If only two Judges sit together and shall differ in opinion, the question on which they differ shall be so referred.

Judges may order payment by instalments

LVI. The Judges may make orders concerning the time or times, and by what instalments, any debt or damages or costs, for which judgment shall be obtained in the said Court, shall be paid; and all such monies shall be paid into Court, unless the Judges shall otherwise order.

If there be cross judgments, execution shall be only for the balance, and if the judgments be equal, satisfaction shall be entered on both.

LVII. If there be cross-judgments between the parties, execution shall be taken out by that party only, who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum; and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum; and if both sums shall be equal, satisfaction shall be entered upon both judgments.

Execution may be against either the body or goods, by writ issued by the Clerk to the Bailiff at the request of Judgment Creditor Police to aid the Bailiff.

LVIII. Whenever the Court shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made, without further notice or order; and the Clerk of the said Court, at the request of the person prosecuting such order, shall issue under the seal of the Court, a writ of execution to one of the Bailiffs of the Court, which shall be his warrant to take the body of such person in execution, or to levy or cause to be levied, by distress and sale of the goods and chattels of such person, such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the

execution; and all Constables and other Peace Officers within their several jurisdictions shall aid in the execution of every such writ.

LIX. If the Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue, without further notice or order, for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the Court shall order, either at the time of making the original order, or at any subsequent time, under the seal of the Court.

In default of payment of any instalment, execution may issue either for the whole or a part of the unpaid balance.

LX. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of the Court shall be empowered, by virtue thereof, to take and convey him to any prison, appointed by the Governor in Council to be the prison of the Court, there to remain for such term as shall be directed by the warrant, not longer than six calendar months, or until he shall sooner perform the order of the Court.

Debtor to remain in prison as the warrant shall direct, but not longer than six months.

LXI. No person shall be imprisoned twice under the same judgment, nor shall execution against the body and goods issue at the same time under the same judgment.

Execution not to issue against body and goods at the same time, nor twice against the body.

LXII. Every person suing out a warrant of execution against the body of any other person under this Act shall deposit with the Clerk of the Court, at the time of the issue of the warrant, diet money for one week, after the rate of one anna and a half for each day, which shall be paid by the Clerk to the Keeper of the Prison at the time of the execution of the warrant.*

Execution not to issue till diet money for one week be deposited.

* See Act XX. 1857, by which the Government is authorised to regulate the diet money, and the Court to vary it, in case of sickness &c., and which is to be read as part of this Act.

On notice, creditor shall deposit diet-money for the rest of the month, and thereafter monthly in advance.

LXIII. Notice of the execution of every such warrant shall be forthwith given to the person at whose suit it issued, who shall thereupon deposit with the Keeper of the Prison, diet money for the remainder of the month in which the warrant is executed, after the same daily rate, and shall continue thereafter to deposit monthly with the said Keeper, in advance, diet money at the same daily rate, for each month which the debtor is liable to be kept in prison at his suit.

In default of deposit, debtor to be discharged.

LXIV. The diet money shall be employed for the subsistence of the prisoner; and if, by default of the detaining creditor, such diet money is not paid, the prisoner shall be entitled to his discharge by order of the Court.

Diet-money to be costs in the cause.

LXV. All diet money, which shall be spent in providing subsistence for any prisoner, shall be costs in the cause, and all diet money which shall not be so spent, shall be repaid to the creditor advancing the same.

Court may order discharge of prisoner on his giving security.

LXVI. Whenever any prisoner shall offer good and reasonable security for payment of any debt or damage and costs, either in full or by instalments as the Court shall think reasonable, the Court may order him to be discharged on giving such security.

On payment, prisoner to be forthwith discharged.

LXVII. Upon payment of the debt or damage and costs in full, the prisoner shall be entitled to be forthwith discharged.

After imprisonment, debtor's property to be still liable.

LXVIII. If the debt or damage and costs are not paid, the imprisonment shall not extinguish the liability to pay the same; but all property then belonging to or afterwards acquired by the prisoner shall be liable to be taken in execution after his discharge from prison for satisfaction thereof or of so much thereof as is not paid, including the diet money actually expended for subsistence of the prisoner.

What may be seized in execution.

LXIX. Every Bailiff executing any process of execution issuing out of the said Court against the goods of any person,

may, by virtue thereof, seize and take any of the goods of such person, (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade,) and may also seize and take any money or Bank-notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

If Bailiff seize securities for money, he shall deliver them to the Clerk, and plaintiff may sue on them.

LXX. The Bailiff shall forthwith deliver any cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money, which shall have been so seized or taken as aforesaid, to the Clerk or other person appointed by the Judges to receive the same, who shall hold them as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff; and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured, or made payable thereby, when the time of payment thereof, shall have arrived.

In case of defendant's sickness, &c , Judges may suspend execution, &c.

LXXI. If it shall, at any time, appear to the satisfaction of the Court that any defendant is unable, from sickness or other sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, the Judges, in their discretion, may suspend or stay any judgment, order or execution given, made or issued in such action, for such time and on such terms as they shall think fit, and so, from time to time, until it shall appear by the like proof as aforesaid that such temporary cause of disability has ceased.

Goods not to be sold till after five days, unless perishable.

LXXII. No sale of any goods, which shall be taken in execution as aforesaid, shall be made until after the end of five days at least next following the day on which such goods have been so taken, unless such goods be of a perishable nature, or upon the request in writing of the party whose goods have been taken.

Goods to be placed in safe custody till sale.

LXXIII. Until such sale, the goods shall be deposited by the Bailiff by whom they were taken in some fit place, or they may remain in the custody of a fit person, approved by the Judges, to be put in possession by the Bailiff.

Judges may appoint custodians, sworn brokers and appraisers, who shall give security.

LXXIV. The Judges, from time to time, as they shall think proper, may appoint such and so many persons for keeping possession, and so many of their Bailiffs or other fit persons to be sworn brokers and appraisers for the purpose of selling or valuing any goods, chattels or effects taken in execution under this Act, as shall appear to them to be necessary, and may direct security to be taken from each of them, for such sum and in such manner as they shall think fit, for the faithful performance of their duties, without injury or oppression; and the Judges may dismiss any person, broker or appraiser so appointed.

Goods to be sold only by them.

LXXV. No goods taken in execution under this Act shall be sold for the purpose of satisfying the warrant of execution; except by one of the brokers or appraisers so appointed.

Costs of sale to be one anna in the Rupee on the proceeds.

LXXVI. The costs to be demanded or taken for such appraisement and sale, shall be One Anna in the Rupee on the produce of the goods sold; and the Judges may apply the sum so raised as costs towards payment of the contingent charges and remuneration of the said brokers and appraisers, in such manner as shall be approved by the Governor in Council.

Clerk to keep an account.

LXXVII. The Clerk of the Court shall keep an account of all sums received upon such sales, distinguishing the amount paid to the party entitled to the benefit of the execution, and the amount levied and retained as costs, and also of all sums allowed to the brokers and appraisers upon such sales.

If defendant quit the jurisdiction after judgment, the Zillah Judge may exe-

LXXVIII. Whenever any defendant, against whom judgment shall have been given in the Court of Small Causes, shall go before execution thereof out of the jurisdiction of the

Court, the Judge of any Zillah or Town where he shall be found, upon receiving from the plaintiff, either in person or by vakeel, an application in writing setting forth these facts, with a duly authenticated copy of the judgment of the Court, shall execute the said judgment in the manner prescribed by law for execution of his own decrees; unless the defendant shall allege any reasonable cause why the judgment should not be executed, and shall give security to such amount as the Judge of such Zillah or Town shall deem reasonable, that he will, within such time as shall be allowed him for that purpose, either satisfy the judgment or produce a duly authenticated copy of an order of the Judges of the Court of Small Causes, discharging their former judgment.

cute the judgment.

LXXIX. No judgment or execution shall be stayed, delayed or reversed upon or by any writ of error or *supersedeas* thereon, to be sued for the reversing of any judgment given in any Court holden under the provisions of this Act, unless the amount recovered exceeds One Hundred Rupees, and then only after the person suing out such writ shall become bound with two sufficient sureties to be approved by the Clerk of the Court, in treble the sum adjudged to be recovered in the former judgment, to prosecute the said writ with effect, and also to satisfy and pay (if the writ be not prosecuted, or if the judgment be affirmed), the debt or damages and costs adjudged, and all costs and damages to be awarded for the delay of execution.

Judgment or execution when and how to be stayed, &c, on writ of error, &c.

LXXX. Upon every warrant of execution issued against the goods and chattels of any person, the Clerk of the Court shall cause to be stated the sum of money and costs adjudged, with the sum paid for such warrant; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the Clerk of the Court, or to the Bailiff holding the warrant of execution, such sum of money and costs as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, toge-

Warrant to state the debt and costs due, and on tender thereof execution to be superseded.

ther with the fees herein directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

Record how to be kept and authenticated. Certified copy to be evidence.

LXXXI. The Clerk of every Court holden under this Act shall cause a record of all summonses, and of all orders, and of all judgments and executions and returns thereto, and of all fines, and of all other proceedings of the Court, to be fairly entered, from time to time, in a book or books belonging to the Court, which shall be kept at the office of the Court; and shall be duly authenticated by one or more of the Judges; and such entries in the said book or books, or a copy thereof bearing the seal of the Court, and purporting to be signed and certified as a true copy by the Clerk of the Court, shall be admitted in all Courts and places as evidence of such entries and of the proceeding referred to by such entry or entries, and of the regularity of such proceeding, without any further proof.

List of all sums unclaimed for five years, to be published in the Court house, and if unclaimed for a sixth year, to be carried to Fee Fund, and thenceforth all claims but those of Infants, &c., to be barred.

LXXXII. The Clerk of every such Court shall, in the month of *March* in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have been paid into Court, and which shall have remained unclaimed for five years before the first day of the month of *January* then last past, specifying the names of the parties for whom or on whose account the same were so paid into Court; and a copy of such list shall be put up and remain during Court hours in some conspicuous part of the Court House, and at all times in the Clerk's Office; and all sums of money which shall have been paid into any such Court, to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years before the passing of this Act, and which are now in the hands of any Commissioner or officer of such Court, or otherwise held in trust for such suitors, and all further sums of money, which shall hereafter be paid into such Court to the use of any suitor or suitors thereof shall, if unclaimed for the period of six years after the same shall have been so paid into Court, be applicable as part of the fees receivable on account of the Court, and shall be carried to

the same account; and no person shall be entitled to claim any sum which shall have remained unclaimed for six years; but no time during which the person entitled to claim such sum shall have been an infant or married woman or of unsound mind, or out of the territories under the Government of the East India Company, shall be taken into account in estimating the said period of six years.

Penalty for contempt of Court.

LXXXIII. If any person shall wilfully insult any Judge, Clerk or Officer of the said Court, for the time being, during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by the order of the Judges, to take such offender into custody, and detain him until the rising of the Court; and the Judges shall be empowered, if they shall think fit, by a warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act for any time, not exceeding seven days, or to impose upon any such offender a fine, not exceeding Fifty Rupees for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act may cause the offender to be indicted in the Supreme Court, if the offence be an indictable misdemeanour.

Penalty of Rs. 100, for assault on Officer or Bailiff or rescue of person or goods seized.

LXXXIV. If any Officer or Bailiff of any Court holden under this Act shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person arrested or goods levied under process of the Court, the person so offending shall be liable to a fine, not exceeding One Hundred Rupees, to be recovered by order of the Court, or before a Magistrate as hereinafter provided; and the Bailiff of the Court or any Peace Officer in any such case may take the offender into Custody, (with or without warrant,) and bring him before such Court or Magistrate accordingly.

Bailiff neglecting duty to be liable for damages.

LXXXV. If any Bailiff of the said Court, who shall be employed to execute any warrant of the Court, shall, by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon complaint of the party aggrieved by reason of such neglect, connivance or omission, (and the fact alleged being proved to the satisfaction of the Court,) the Judges shall order the Bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the Bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

Penalty of Rs. 100, on Clerk Bailiff or Officer for extortion or misconduct, not duly accounting for money levied.

LXXXVI. If any Clerk, Bailiff or Officer of the Court, acting under colour or pretence of the process of the said Court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Judges may inquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as they shall think just; and also, if they shall think fit, may impose such fine upon the Clerk, Bailiff or Officer, not exceeding One Hundred Rupees for each offence, as they shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

Penalty on Clerk, Officer, or Bailiff for corruption.

LXXXVII. Every Clerk, Bailiff or other Officer, employed in putting this Act or any of the powers thereof in execution, who shall wilfully and corruptly exact, take or accept any

fee or reward whatsoever, other than his lawful salary, for any thing done or to be done by virtue of this Act, or on any account whatsoever, relative to putting this Act into execution, shall, upon proof thereof before the said Court, and in the case of a Clerk, on confirmation of the finding of the Court by the Governor in Council, be for ever incapable of serving, or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as therein provided.

Procedure in case of seizure of goods of wrong person.

LXXXVIII. If any claim shall be made to, or in respect of any goods or chattels taken in execution under the process of any Court holden under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of the Court, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action, which shall have been brought in the Supreme Court in respect of such claim, shall be stayed, and any Judge of the Supreme Court on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the Court of Small Causes, and the Judges of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof, and of the costs of the proceedings as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

Powers of Act VII. 1847, extended to distresses for all arrears of rent not exceeding Rs. 500.

LXXXIX. The powers of Act VII. 1817 to regulate distresses for small rents in Calcutta shall be extended to the recovery of all arrears of rent not exceeding Five Hundred Rupees, and the Judges of every Court of Small Causes under this Act shall be empowered to exercise within their several jurisdictions the extended powers of the said Act; and the said

Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the Judges of the Court of Small Causes under this Act instead of the Commissioners of the Court therein mentioned, and the amount of Five Hundred Rupees instead of One Hundred Rupees, and the forms contained in the Schedule annexed to the said Act shall be altered accordingly, and shall refer to this Act instead of Act VII. 1847.

Affidavit of arrear how to be made.

XC. The affidavit of arrear required by the said Act No. VII. 1847 may, in every case, be made either by the person entitled to such arrear or by his or her lawfully constituted attorney, and a warrant of distress may issue on such affidavit.

Summons against tenants holding over or occupying without leave.

XCI. Where any person shall hold or occupy any house, land or tenement, of which the value or the rent payable in respect thereof does not exceed the rate of Five Hundred Rupees by the year, without leave of the owner, or under a lease or agreement which is ended, or duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises, or of such part thereof respectively, the owner or his agent may take out a summons from the Court directed to such tenant or occupier, to show by what title he claims to hold or occupy the premises or part thereof.

If tenant or occupier do not appear, the owner may prove his case.

XCII. If the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof of which he is then in possession, to the said owner or his agent, such owner or agent may give to the Court proof of the holding, and of the end or other determination of the tenancy, if any had existed, with the time or manner thereof, and of the right by which he claims the possession.

On proof of service, Judges may issue warrant of possession; entry not to be made on a holiday, nor from 6 p.m. to 6 a.m. Warrant to protect Bailiff, but not the person suing it out.

XCIII. Upon proof of due service of the summons, and of the neglect or refusal of the tenant or occupier, as the case may be, the Judges may issue a warrant under the seal of the Court to any Bailiff of the Court, requiring and authorizing him within a period to be therein named not less than seven, or more than ten, clear days from the date of such warrant, to give possession of the premises to such owner or agent, and such warrant shall be a sufficient warrant to the said Bailiff to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly; Provided always, that entry upon any such warrant shall not be made on a *Sunday, Good Friday or Christmas-day*, or any other day observed by the Court as a Holiday or at any time except between the hours of six in the morning and six in the afternoon: Provided also, that nothing herein contained shall be deemed to protect any person by whom any such warrant shall be sued out of the Court of Small Causes from any action which may be brought against him by any such tenant or occupier for such entry and taking possession, where such person had not, at the time of suing out the same as aforesaid, lawful right to the possession of the same premises.

Summons to be served personally unless by leave of Court.

XCIV. Such summons as last aforesaid may be served either personally, or, by leave of the Court, upon proof that the tenant or occupier is not to be found within the jurisdiction of the Court, by leaving the same with some person being in, and apparently residing at the place of abode of the person or persons so holding over as aforesaid; or if the place or abode of such person or persons shall either not be known or admission thereto cannot be obtained for serving such summons, by posting the said summons on some conspicuous part of the premises so held over.

No action to lie against Judges or Clerk.

XCV. No action or prosecution shall be maintainable against the Judges or against the Clerk of the Court, by whom such warrant as aforesaid shall have been issued, or against any Bailiff or other person by whom such warrant may be executed or summons affixed, for issuing such warrant or executing the

same respectively, or affixing such summons, by reason that the person by whom the same shall be sued out had not lawful right to the possession of the premises.

If the person suing out warrant had lawful right to possession, the irregular execution thereof shall not be a trespass. Remedy of party aggrieved.

XCVI. Where the owner, at the time of applying for such warrant as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said owner nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser, by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may, if he think fit, bring an action on the case for such irregularity or informality, in which the damage alleged to be sustained thereby shall be especially laid, and may recover full satisfaction for such special damage with costs of suit; Provided that, if the special damage so laid be not proved, the defendant shall be entitled to a verdict, and that, if proved, but assessed at any sum not exceeding Ten Rupees, the plaintiff shall recover no more costs than damages, unless the Judge, before whom the trial shall have been holden, shall certify that in his opinion full costs ought to be allowed.

Suing out warrant by person not lawfully entitled to possession to be a trespass, though no entry be made. Execution of warrant how to be stayed.

XCVII. In every case in which the person, by whom any such warrant shall be sued out of the Court of Small Causes, had not, at the time of suing out the same, lawful right to the possession of the premises, the suing out of any such warrant as last aforesaid shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound with two sufficient sureties, to be approved by the Clerk of the Court, in such sum as to the Judges shall seem reasonable, regard being had to the value of the premises and to the probable cost of such action, to sue the person by whom such warrant was sued out with effect and without delay, and to pay all the costs of the proceeding in such action in case a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or become nonsuit therein, execution upon the warrant shall be

stayed until judgment shall have been given in such action of trespass; and if, upon the trial of such action of trespass, judgment be given for the plaintiff, such judgment shall supersede the said warrant.

XCVIII. Recovery of the possession of any such house, land or tenement shall be no bar to the institution of a regular suit for trying the title thereunto, which may be brought in the Supreme Court as if this Act had not been passed.

Recovery of possession to be no bar to a suit as to the title.

XCIX. Every bond given on the removal of any action out of the Court of Small Causes, or upon staying, delaying or reversing any judgment or execution awarded therein, or the execution of any such warrant of possession as aforesaid, or on moving for a new trial, or to set aside a verdict, judgment or nonsuit, shall be made to the other party to the action, and shall be approved by the Judges and attested under the seal of the Court; and if the bond so taken be forfeited, or if, upon the proceeding for securing which such bond was given, the Judge before whom such proceeding shall be had shall not certify upon the record in Court, that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action of debt and recover thereon: Provided always, that the Court in which such action as last aforesaid shall be brought may, by a rule of Court, give such relief to the parties liable upon such bond as may appear to it reasonable, and such rule shall have the nature and effect of a defeasance to such bond.

Bonds, &c., to be given to plaintiff, but approved and attested by the Court. How to be enforced.

C. All actions and proceedings, which before the passing of this Act might have been brought in the Supreme Court, where any Officer of the Court of Small Causes shall be a party, except in respect of any claim to any goods and chattels taken in execution of the process of the Court, or the proceeds or value thereof, may be brought and determined in the Supreme Court, at the election of the party suing or proceeding, as if this Act had not been passed.

Actions may be brought in the Supreme Court against any officer of the S. C. Court, except for goods taken in execution.

If plaintiff sue in the Supreme Court, except under last Section, and obtain verdict for less than Rs. 500 on contract, or Rs. 100 in tort, he shall recover no costs; and if he obtain no verdict, defendant shall recover full costs.

CI. If any action shall be commenced after the passing of this Act in the Supreme Court, for any cause other than those lastly hereinbefore specified, for which a summons might have been taken out from a Court holden under this Act, and a verdict shall be found for the plaintiff for a sum less than Five Hundred Rupees, if the said action is founded on contract, or less than One Hundred Rupees, if it is founded on wrong, the plaintiff shall have judgment to recover such sum only, and no costs; and if a verdict shall not be found for the plaintiff, the defendant shall be entitled to his costs as between Attorney and Client, unless in either case the Judge, who shall try the cause, shall certify on the back of the record that, by reason of the difficulty, novelty or general importance of the case, or of some erroneous course of decision on like cases in the Court of Small Causes, the action was fit to be brought in the Supreme Court.

If plaintiff sue any officer of the S. C. Court in the Supreme Court, and obtain verdict for less than Rs. 500, he shall recover no costs, unless the Judge certifies.

CII. If any person shall bring any suit in the Supreme Court in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court holden under this Act, under color or pretence of the process of the said Court, and upon the trial of the action no greater damages shall be found for the plaintiff than the sum of Five Hundred Rupees, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the Record, that the action was fit to be brought in the Supreme Court.

Penalties, &c., if not specially provided for, may be recovered on summary conviction before a Justice or Magistrate by distress and sale.

CIII. All penalties, fines and forfeitures by this Act inflicted or authorized to be imposed, (the manner of recovering and applying whereof is not hereby otherwise particularly directed), upon proof before any Justice of the Peace or Magistrate having jurisdiction where the offender shall reside or be, or the offence shall be committed, either by the confession of the party offending or by the oath or affirmation of any credible witness, shall be levied, with the costs attending the summons and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand of any such Justice or Magistrate, and the overplus (if any) after

such penalties, fines and forfeitures, and the charges of such distress and sale are deducted, shall be returned upon demand unto the owner of such goods and chattels.

If penalty be not paid, offender may be detained till warrant of distress be returned.

CIV. If any such penalties, fines and forfeitures respectively shall not be paid forthwith upon conviction, it shall be lawful for such Justice or Magistrate to order the offender so convicted to be detained in safe custody, until return can conveniently be made to such warrant of distress; unless such offender shall give sufficient security to the satisfaction of such Justice or Magistrate for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security the Justice or Magistrate shall be empowered to take by way of recognizance or otherwise, as to him shall seem fit.

If upon return of warrant the amount shall not have been levied, offender may be committed for three months.

CV. If upon return of such warrant it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of the Justice or Magistrate, either by confession of the offender or otherwise, that he hath not within the jurisdiction of such Justice or Magistrate, sufficient goods and chattels, whereon to levy all such penalties, forfeitures, costs and charges, the Justice or Magistrate may, at his discretion, without issuing any warrant of distress, commit the offender to the Common Gaol or House of Correction, for any time not exceeding three calendar months, unless such penalties, forfeitures and fines, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

Penalties to be paid to the Clerk and carried to the Fee Fund.

CVI. The monies arising from any such penalties, forfeitures and fines as aforesaid, when paid and levied, shall (if not by this Act directed to be otherwise applied) be from time to time paid to the Clerk of the Court, and shall be applied in like manner as the fees thereof.

Justice may proceed by summons for recovery of penalty.

CVII. In all cases in which by this Act any penalty or forfeiture is made recoverable before a Justice or Magistrate,

he may summon before him the party complained against, and on such summons may hear and determine the matter of such complaint; and, on proof of the offence, may convict the offender and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing shall have been exhibited before him; and all such proceedings by summons without information in writing shall be as valid and effectual to all intents and purposes, as if an information in writing had been exhibited.

Form of conviction, whether by Judge or Justice

CVIII. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following: (that is to say,) "Be it remembered that on this day of in the year A. B. is convicted before a Magistrate for the (or before a Judge appointed under Act IX. 1850) of having (*state the offence*;) and I (*or we*) the said do adjudge the said to forfeit and pay for the same the sum of [or to be committed to for the space of] given under hand ( ) and seal ( ) the day and year aforesaid."

No order, verdict, &c., to be quashed for want of form

CIX. No order, verdict or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form.

Distress not be deemed unlawful for want of form, but party aggrieved may sue for special damages.

CX. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning, on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

CXI. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if, after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the defendant.

Limitation of actions for things done in pursuance of this Act.

Schedule of Fees.

Sums not above	Every Summons or Subpœna.		Warrant	
Rupees	Rupees.	Annas.	Rupees.	Annas.
10	0	2	0	2
20	0	4	0	4
50	0	8	0	8
100	1	0	1	0
200	1	4	2	0
300	1	8	3	0
400	1	12	4	0
500	2	0	5	0

ACT No. X. OF 1850.

1. *Aden declared a free Port. No customs duties to be payable there.*
2. *Aden not to be within Act VI. 1848.*

An Act to declare Aden a free Port.

Whereas the trade between the Western Coast of India and the Red Sea and places thereunto adjacent will be improved by encouraging the resort of Vessels of all nations to the Port of Aden in Arabia, It is declared and enacted as follows:

I. The Port and Settlement of Aden in Arabia is a free Port and Settlement: and no duty of Customs is payable there on any ship or other vessel, or on any goods lawfully carried by sea or land to or from the said Port and Settlement.

II. The said Port of Aden shall not be taken to be within the provisions of Act VI. 1848.

ACT No. XI. OF 1850.

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1. *Act X. 1841, s. 13, repealed.*

2. *Act X. 1841 s. 24, extended to Ships belonging to Native Princes or States, wherever built.*

3. *Ships owned by British Subjects or Native Princes or States, if otherwise entitled, may be registered, whatever be their rig or tonnage.*

4. *Fees to be paid for Certificate of Registry*

5. *Act to be construed as part of Act X. 1841.*

An Act to amend Act X. 1841.

For amendment of Act X. 1841, It is enacted as follows:

Act X. 1841, s. 13, repealed.

I. Section 13, of Act X. 1841, is repealed.

Act X. 1841, s. 24, extended to ships belonging to Native Princes or States, wherever built.

II. The Passes which, under Section 24 of the said Act, may be issued for conferring the privileges and advantages of a British Ship, in certain cases, to any ship or vessel built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with the East India Company, may, after the passing of this Act, be issued, in the like cases and under the same restrictions, to any ship or vessel belonging to any such Native Prince or State, or their subjects, wherever the same may have been built.

Ships owned by British Subjects or Native Princes or States, if otherwise entitled, may be registered, whatever be their rig or tonnage.

III. All ships or vessels, of whatever rig and of whatever tonnage, owned by British Subjects, entitled to registry under Act X. 1841, or owned by such Native Princes or States or by their subjects, entitled to Passes under Act X. 1841 as amended by this Act, employed only in coasting voyages, or

between any port of the Continent of India and the Island of Ceylon, may be registered and obtain Passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Governor or Governor in Council of each Presidency.

IV. The owners of coasting vessels, registered under Section 3 of this Act, shall pay for each Certificate of registry: **Fees for Certificate of Registry.**

For a vessel not exceeding the burthen of four tons, one Rupee.

Exceeding four tons and not exceeding twenty tons, five Rupees.

Exceeding twenty tons and not exceeding eighty tons, seven Rupees.

Exceeding eighty tons, for each ton two annas.

Which fees shall be carried to the credit of the Government of the Presidency in which they are levied.

V. This Act shall be construed with and as part of Act X. 1841. **Act to be part of Act X. 1841.**

ACT No. XII. OF 1850.

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1. *Public Accountants to give security for due performance of duties.*
2. *If not regulated by Act, the security to be such as may be required by any rules made by person appointing the Accountant.*
3. *Who to be deemed a Public Accountant.*
4. *Securities may be proceeded against as for land revenue in arrear.*
5. *All regulations for recovery of land revenue to apply to the case.*
6. *Act to have retrospective effect as to prior Summary sales of land*

For avoiding loss by the default of Public Accountants.

For better avoidance of loss through the default of Public Accountants, It is enacted as follows:

I. Every Public Accountant shall give security for the due discharge of the trusts of his office, and for the due ac- **Public Accountants to give security for due per-**

formance of duties.

count of all monies which shall come into his possession or control by reason of his office.

If not otherwise regulated, the security to be such as may be required by any rules made by person appointing.

II. In default of any Act having special reference to the office of any Public Accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties, (regard being had to the nature of the office,) as shall be required by any rules made or to be made, from time to time, by the authority by which each Public Accountant is appointed to his office, subject to the approval of the Governor or Governor in Council of the Presidency or place.

Who to be deemed a Public Accountant.

III. Every person is a Public Accountant within the meaning of this Act, who, by reason of any office held by him in the service of the East India Company, is entrusted with the receipt, custody or control of any monies or securities for money, or the management of any lands belonging to the East India Company, or as Official Assignee or Trustee, or as Surberakar, or in any other official capacity, with the receipt, custody or control of any monies or securities for money, or the management of any lands belonging to any other person or persons.

Accountant or Sureties may be proceeded against as for land revenue arrear.

IV. The person or persons at the head of the office to which any Public Accountant belongs may proceed against any such Public Accountant and his Sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.

All laws for recovery of land revenue to apply to the case.

V. All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such Public Accountant.

Retrospective effect of Act as to prior Sum-

VI. All sales of Estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any

Public Accountants within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such Estates had been sold under authority of this Act, and no further or otherwise.

mary sales of land.

ACT No. XIII. OF 1850.

Repealed by Act XVII. 1862.

ACT No. XIV. OF 1850.

Repealed by Act XIII. 1856.

ACT No. XV. OF 1850.

Repealed by Act X. 1861.

ACT No. XVI. OF 1850.

Repealed by Act XVII. 1862.

ACT No. XVII. OF 1850.

Repealed by Act VI. 1857.

ACT No. XVIII. OF 1850.

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1. *No person acting judicially to be liable to be sued for judicial acts within or without his jurisdiction, if in good faith he believed he had jurisdiction. Same immunity to Officers acting in execution of orders of Judicial Officers.*

An Act for the protection of Judicial Officers.

For the greater protection of Magistrates and others acting judicially, It is enacted as follows :

I. No Judge, Magistrate, Justice of the Peace, Collector, or other person acting judicially shall be liable to be sued in

any Civil Court for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of: and no Officer of any Court, or other person bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same

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ACT No. XIX. OF 1850.

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1. *Any child above 10 and under 18 years of age may be bound by his Father, &c., for not more than 7 years, but not beyond majority if a male, or marriage if a female.*

2. *The contract to be evidence of the age.*

3 *Magistrate or Justice to have powers of a guardian as to orphans, &c.*

4. *A Charity School child may be apprenticed by the Governors, &c*

5 *To the Merchant Marine service of India.*

6. *Or to the Master Attendant on behalf of the Marine Service of the E I. C.*

7 *Master or Commander to be deemed the agent of the party to whom the child is bound.*

8. *Apprentice deed to be in writing and in form A.*

9. *Apprentice deed to be signed by the persons by whom and to whom the boy is bound, and by the Child when not less than 14 years of age.*

10. *Apprentice deed to be deposited in the office of the Chief Magistrate, or of the Registrar of Shipping.*

11. *The terms of service may be changed or the contract determined by consent; written on the contract and signed by all the parties.*

12 *Master may assign apprentice with his own consent and that of his guardian to another master, who shall endorse his acception of an Apprentice on the Contract.*

13 *On complaint of specified breaches of duty by the master, Magistrate may summon the master, and examine into the complaint and cancel the contract, and assess a reasonable sum for Apprentice's benefit.*

14. *Apprentice Deed not to be cancelled for moderate chastisement of apprentice by master. Cancelment of contract not to protect master from criminal liability.*

15. *Upon complaint against Apprentice, Magistrate may issue warrant and order certain specified punishments.*

16. *On complaint of Apprentice's repeated ill-behaviour, Magistrate may cancel Apprentice Deed, and order refund of whole or part of any premium paid.*

17. *Magistrate may order how the sum refunded shall be applied.*

18. *Complaint against Apprentice not to be heard after one month, nor against master after three months, from cause of complaint.*

19. *Contract to be determined by death of master, and a proportionate part of the premium to be returned by his executors, unless they offer in writing within three months to continue the contract.*

20. *Such offer to be certified on the original Contract and on the office copies thereof.*

21. *Apprentice entitled to maintenance for three months from the assets of his deceased master.*

22. *Bankruptcy or insolvency of master to determine the apprenticeship. Amount of premium to be a debt against the estate.*

23. *All persons in British India to be amenable to the Courts of the E. I. C. for the purposes of this Act.*

24. *From order of mofussil Magistrate, an appeal to lie to the Sessions Judge, if made within one month.*

25. *Interpretation.*

Schedules A. B.

Concerning the Binding of Apprentices.

For better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, It is enacted as follows :

Any child above ten and under eighteen years of age may be bound for not more than seven years, but not beyond majority if a male, or marriage if a female.

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

The contract to be evidence of the age.

II. The age set forth in the contract shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

Magistrate or Justice to have powers of a guardian as to orphans, &c.

III. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child abandoned by its parents, or of any child convicted before him or any other Magistrate of vagrancy, or the commission of any petty offence.

A Charity School child may be apprenticed by the Governors, &c.

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

To the Merchant Marine service of India.

V. Any such boy may be bound as an apprentice in the sea service to any of Her Majesty's subjects, being the owner of any registered ship belonging to and trading from any port in the territories under the Government of the East India Company, which has been declared to be a registering port under Act X. 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seaman.

Or to the Master Attendant on behalf of the Marine service of the E. I. C.

VI. Any such boy may be bound in like manner for sea service in any ship of the East India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any officer appointed to represent the East India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

Master or Commander to be deemed the agent of the party to whom the child is bound.

VII. The master or commander of any ship, in which an apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

Apprentice Deed to be in writing and in form A.

VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A) annexed to

this Act, or to the like effect, which shall set forth the conditions agreed upon, particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

Apprentice Deed to be signed by the person by whom and to whom the boy is bound, and by the Child, when fourteen years of age.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act X. 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the Magistrate or Registering Officer.

Apprentice Deed to be deposited in the office of the Chief Magistrate, or of the Registrar of Shipping.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section 8, of this Act; and the Magistrate or Registering Officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

The terms of service may be changed or the contract determined by consent.

Master may assign apprentice with his own consent and that of his guardian to another master.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; Provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate or Registering Officer according to the form given in Schedule (B.) annexed to this Act.

On complaint of specified breaches of duty by the master, Magistrate may cancel the contract, and assess a reasonable sum for Apprentice's benefit.

XIII. Upon complaint made to any Magistrate in the said territories, by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not, (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprenticeship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees: and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child: whether or not any proceedings be taken for cancelling the contract of apprenticeship.

Contract not to be cancelled for moderate chastisement of apprentice. Cancelment of contract not to protect master from criminal liability.

XV. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and, if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped; or, if the offender be a girl, or if in the case of any boy the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

Upon complaint against Apprentice, Magistrate may issue warrant and order certain specified punishments.

XVI. Upon complaint of wilful and repeated ill-behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with

On complaint of Apprentice's repeated ill-behaviour, Magistrate may cancel contract and order refund of premium.

the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

How the refunded shall be applied.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

Complaint against Apprentice not to be heard after one month, nor against master after three months, from cause of complaint.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at a port or place in the said territories: and no Magistrate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within three months after the arrival thereof at a port or place in the said territories.

Contract to be determined by death of master, unless his executors offer in writing within three months to continue it.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship, shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term of any premium which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late

master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship; and also on the office copies thereof, by the Magistrate or Registering Officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

Offer to be certified on the original contract and on the office copies thereof.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months from and after the death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.

Apprentice entitled to maintenance for three months from the assets.

XXII. The apprentice of any person against whom a Commission of Bankruptcy shall be issued, or who shall be adjudged to have committed an act of Insolvency, during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and, if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof, as a debt against the estate of the bankrupt or insolvent.

Bankruptcy or insolvency of master to determine the apprenticeship. Premium to be a debt against the estate.

XXIII. For the purposes of this Act all British subjects, wherever or of whatever parents born, as well as other persons in the territories under the Government of the East India Company without the Towns of Calcutta and Madras, and the Town and Island of Bombay, shall be amenable to the jurisdiction of the Courts and Magistrates of the East India Company.

All persons in British India to be amenable to the Courts of the E. I. C. for the purposes of this Act.

XXIV. An appeal shall lie from any order passed by any Magistrate without the said Towns and Island to the Court of

From order of mofussil Magistrate, an appeal

to lie to the Sessions Judge, if made within one month.

Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

Interpretation.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons, as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

FORM OF AGREEMENT.

This Agreement made the —— day of —— in the year —— between A. B., of —— and C. D., of —— witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of —— years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for —— years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) executors and administrators, in consideration of the premium or sum of —— paid by the said A. B., to the said C. D., (the receipt whereof the said C. D. hereby acknowledges,) and of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a —— during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary fit and reasonable for an apprentice: (and further, *here insert any special covenants*).

If there is no premium the words between brackets may be omitted.

In witness whereof the parties have hereunto set their hands and Seals, the day and year above written.

C. D. (L. S.) A. B. (L. S.)

SCHEDULE B.

FORM OF ORDER OF ASSIGNMENT.

(To be endorsed on the Agreement.)

Be it known to all men that on the ——— day of —— in the year — personally appeared before G. H., Magistrate of —— C. D., of — with E. F., his (or her) apprentice, and J. K., of — and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the ——— day of ——— in the year ——— bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a ——— shall henceforth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and instead of the said C. D., and the said J. K., shall be bound, for himself (or herself) his (or her) executors or administrators to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

If E. F is not above the age of fourteen years, the words between brackets may be omitted.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., *Magistrate.*

ACT No. XX. OF 1850.

BENGAL.

Disputes about the boundaries of Zemindaries to be tried by Superintendent of Tributary Mehals according to instructions from Government, &c.

An Act for settling the boundaries of the Tributary Mehals in Cuttack.

Whereas certain jungle or hill zemindaries in the Zillah of Cuttack, enumerated in Section 36, of Regulation XII. 1805, of the Bengal Code, and the Territory of Mohurbunge in the same zillah, were temporarily exempted by the said Regu-

lation from the Regulations relating to the settlement and collection of the public revenue, and by Regulation XIII. 1805, of the Bengal Code, were temporarily exempted from the Laws and Regulations for the maintenance of the Police and for the administration of justice in criminal cases, and whereas doubts have been entertained how disputes as to the boundaries of the said zemindaries are to be determined, It is enacted as follows:

I. Every case in which the boundaries between any of the said zemindaries, or the Killahs of Boad and Atmullick, and an estate subject to the Regulations of the Bengal Code, shall be in dispute, shall be heard, tried and determined in the first instance by the Superintendent of the Tributary Mehals, in Zillah Cuttack, according to such instructions as he shall from time to time receive from the Governor of Bengal, and his award, when confirmed by the Governor of Bengal, shall be final and conclusi , and shall be carried into execution by the Superintende   Tributary Mehals by giving possession of the land in di de to the parties entitled under his award.

ACT No. XXI. OF 1850.

Recites expediency of extending Reg. VII. 1832, s. 9 of Bengal Code.
1. *Annuls any law inflicting forfeiture of rights or inheritance, by reason of loss of caste through change of religion, &c.*

An Act for extending the principle of Section 9, Regulation VII. 1832, of the Bengal Code, throughout the territories subject to the Government of the East India Company.

Whereas it is enacted by Section 9, Regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion: or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions: the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for

the operation of such laws they would have been entitled;" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East India Company, It is enacted as follows:

I. So much of any law or usage now in force within the territories subject to the Government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as Law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.

ACT No. XXII. OF 1850.

Expired.

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*ACT No. XXIII. OF 1850.

CALCUTTA.

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1. *All assessable Land, not heretofore assessed, to be assessed at 3 annas per cottah.*

2. *No Lakhiraj tenures to be deemed valid, unless so held for 60 years.*

3. *If Assessment be not paid, the Collector may levy it by distress and sale of goods of owner, lessee or of occupier under Act VII. 1847.*

4. *If tenant or occupier pay, they may deduct the amount from the Rent.*

5. *The claim for Land Revenue to have priority over all other claims.*

6. *If the claim be disputed, the process shall be stayed only if the amount be deposited with the Collector.*

7. *Arrears of Rent or Revenue not to be recoverable after six years.*

8. *If a claim be set up to hold land Lakhiraj, the Collector shall enquire and report. Commissioner's order when to be final and when not.*

* See Act XVIII. of 1856, Sec. 3. as to the power of Collector of Calcutta to employ any Deputy subordinate to him in the performance of any part of the duties of his office under this Act—and as to the Rules relating to the office of such Deputy.

9. *Penalty of Rs. 500 for obstructing Collector or his subordinates.*

10. *Penalty of Rs. 200, subject to appeal, for contempt.*

11. *Collector to act under the usual control.*

12. *Ground Rents payable in Calcutta declared to be Revenue within Stat. 21, Geo. III. c. 70.*

13. *All actions concerning trespass or injury under color of this Act, to be tried in the Court of the 24-Pergunnahs, and not after 6 months from cause of action.*

14. *Interpretation.*

An Act for securing the Land Revenue of Calcutta.

Whereas it is expedient that the Land Revenue, accruing due to the East India Company within Calcutta, be ascertained and collected in as summary a manner as in other parts of the territories under the Government of the East India Company, It is declared and enacted as follows:

All assessable Land, not heretofore assessed, to be assessed at three annas per cottah.

I. All assessable Lands, not the property of the East India Company within the Town of Calcutta, of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rate of three annas for each Cottah.

No Lakhiraj tenures to be deemed valid, unless so held for sixty years.

II. Lakhiraj tenures of Land in Calcutta, of which uninterrupted possession has been held, exempt from assessment for sixty years, shall be valid: no other Lakhiraj tenures of Land in Calcutta shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

If assessment be not paid, the Collector may levy it by distress and sale under Act VII. 1847.

III. If any owner of Land within Calcutta or any person holding Land within Calcutta on lease from the East India Company shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the Land is assessed, or for which he is liable under his lease, the Collector may levy the same, by distress and sale of the Goods and Chattels, wherever found, of such owner or lessee, or, after written demand upon the tenant or occupier and his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any Goods

and Chattels found upon the land, in the manner appointed for regulating distress for small rents in Calcutta by Act VII. 1847: and for the purpose of any such distress and sale, the Collector shall have all the powers of a Commissioner of the Court for recovery of small Debts referred to in the said Act, and the Collectors shall have power to appoint any of his Officers to perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court, as provided by the said Act, and all the provisions of the said Act relating to the said Commissioners and their Court shall be deemed to apply to the said Collector and his Office in the execution of this Act.

If tenant or occupier pay, they may deduct the amount from the rent.

IV. In the case of payment by any tenant or occupier, not holding immediately under the East India Company, or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

The claim for Land Revenue to have priority over all other claims.

V. The claim of the East India Company for Land Revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

If the claim be disputed.

VI. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

Arrears of rent or Revenue not to be recoverable after six years.

VII. Arrears of rent or Revenue which shall become due to the East India Company within the Town of Calcutta, after the passing of this Act, shall be recoverable at any time within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable or his Agent, and not afterwards.

If a claim be set up to hold Land Lakhiraj, the Collector shall enquire and report. Commissioner's order when to be final and when not.

VIII. When a claim to hold Land Lakhiraj, or free of assessment, shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer, or the public Records supply, and shall report his proceedings and decision in the case for the consideration of

the Revenue Commissioner. If the Commissioner is satisfied of the validity of the claim, he shall make an order accordingly, and such order shall be final. If he is not satisfied of the validity of the claim, he shall direct the Collector to assess the Land, leaving the claimant to contest the Collector's demand in the Civil Courts as herein provided.

Penalty of Rs. 500 for obstructing Collector or his subordinates.

IX. Any person obstructing or molesting the Collector or any of his subordinate officers in the execution of their duty, shall, on conviction before a Magistrate of the Town of Calcutta, be liable to a fine not exceeding Five Hundred Rupees, and in default of payment to imprisonment in the Common Jail for a term not exceeding six months, or until the fine is sooner paid.

Penalty of Rs. 200, subject to appeal, for contempt.

X. The Collector may punish any contempt committed in his presence, in open Cutcherry or Office, by fine, not exceeding Two Hundred Rupees, and in default of payment by imprisonment in the Common Jail for a term not exceeding one month: from every such order or fine of imprisonment an appeal shall lie to the Commissioner, whose decision shall be final.

Collector to act under the usual control.

XI. The Collector shall act in the execution of this Act under the usual control of the Superior Revenue Authorities.

Ground Rents payable in Calcutta declared to be Revenue within Stat. 21, Geo. III. c. 70.

XII. The Ground Rents payable to the East India Company from lands in Calcutta are Revenue, within the meaning of the Act of Parliament 21 Geo. III. C. 70, and the Supreme Court of Judicature established by Royal Charter at Fort William in Bengal has not any civil jurisdiction concerning the said Ground Rents, or concerning any thing ordered or done in the assessment or collection thereof.

All actions concerning trespass or injury under color of this Act, to be tried in the Court of the 24-Pergunnahs, and

XIII. All actions concerning any trespass or injury committed by any Revenue Officer acting under color of this Act, or concerning any claim in respect of any goods taken by or any monies paid to any Revenue Officer under this Act, or

concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts, established by the East India Company at the Sudder Station of the Twenty-four Pergunnahs: notwithstanding that the cause of action, in respect of which such action, is brought, arose, or the defendant therein reside, within the limits of the Town of Calcutta: and every such action shall be brought within six months after the cause of action arose, and not afterwards. not after six months from cause of action.

XIV. The words 'Collector' and 'Commissioner' used in this Act shall be taken to mean any person lawfully appointed to exercise the powers of Collector and Commissioner respectively. Interpretation.

ACT No. XXIV. OF 1850.

Repealed by Act IV. 1857.

ACT No. XXV. OF 1850.

BENGAL.

1. *Reg. VIII. 1819, S. 9 and Act IV. 1846. Ss. 5, 9, partially repealed.*
2. *Forfeited deposits to belong to Government.*

An Act for the forfeiture to Government of Deposits made on incomplete Sales of Land under Regulation VIII. 1819, and Act IV. 1846.

Whereas Putneedars and judgment Debtors fraudulently avail themselves of the provisions in Section 9, Regulation VIII. 1819, of the Bengal Code, and in Section 5, Act IV. 1846, that *forfeited deposits at Sales of Land in execution of decrees* or for arrears of Rent shall be applied as if they were purchase money, It is enacted as follows:

* By Act X. 1861, the whole of this Act, so far as it relates to forfeited deposit of sales of Land, or any interest in land, in execution of decrees, is repealed.

I. So much of Section 9, Regulation VIII. 1819, of the Bengal Code, and of Sections 5 and 9, Act IV. 1846, as provides that the deposit at any Sale of Land, or any interest in Land, under the said Regulation or Act, if forfeited, shall be regarded as part of the proceeds of the sale or applied as if it were purchase money, is repealed.

II. Any such forfeited deposit shall be applied to defray the expenses of the sale, and the surplus shall be forfeited to Government.

BENGAL.

ACT No. XXVI. OF 1850.

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1. *Act X. of 1842, repealed.*
2. *This Act may be put in force by order of local Government in any town or suburb, if the inhabitants seem to desire it.*
3. *Application to be notified in Government Gazette and by local proclamation, that the inhabitants may declare their wishes.*
4. *Local Government to consider such declarations, and to publish similarly its final order as to them.*
5. *Act to come into force on publication of order to that effect.*
6. *Government to appoint Commissioners to make rules, subject to approval, for carrying the Act into effect.*
7. *The rules to provide for five specified objects.*
8. *Commissioners empowered to make contracts and to apply taxes for the purposes of this Act.*
9. *Commissioners to be liable only for moneys knowingly misapplied.*
10. *Act II. 1839 extended to all arrears of Taxes, &c., under this Act.*
11. *No rate to be invalid for defect of form.*
12. *All moveable property found on the premises may be sold for arrears of Tax.*
13. *Commissioners to send to local Government once a year an account of works executed, and receipts and expenditure.*
14. *Local Government may at any time suspend this Act and appoint persons to report upon its operations.*

An Act to enable improvements to be made in Towns.

Whereas Act X. 1842, was passed for enabling the inhabitants of any place of public resort or residence, under the Pre-

sidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of Towns in the other Presidencies under the Government of the East India Company, It is enacted as follows :

Act X. of 1842, repealed.

I. *Act X. 1842, is repealed.*

Act may be put in force in any town or suburb if the inhabitants desire it.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant-Governor, of any Presidency or Place within the territories under the Government of the East India Company, that the inhabitants of any Town or Suburb, not within the Town of Calcutta, Madras, or Bombay, are desirous of making better provision for making, repairing, cleaning, lighting, or watching any public streets, roads, drains, or tanks or for the prevention of nuisances, or for improving the said Town or Suburb in any other manner, the said Governor or Governor in Council, or Lieutenant-Governor, may order this Act to be put in force within such Town or Suburb.

Application to be notified in Government Gazette and by local proclamation.

III. Whenever any application shall be made to the Government for putting this Act in force in any Town or Suburb, notice thereof shall be given in the *Government Gazette* of the Presidency or place, and also by proclamation within such Town or Suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such Town or Suburb, who are minded to declare themselves for or against the adoption of this Act therein for such purposes or any of them.

Local Government to publish similarly its final order as to declarations of wishes of inhabitants.

IV. The Governor or Governor in Council, or Lieutenant-Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final Order, which shall be published in the *Government Gazette*, and also notified by proclamation within such Town or Suburb, to the effect that the application appears, or does

not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such Town or Suburb, for such purposes only as shall be mentioned in the order.

Act to come into force on publication of Order.

V. Whenever any such Order shall be made and published as aforesaid, this Act shall come into force within the said Town or Suburb, for such purposes as are mentioned in the Order, and the making and publication of the said Order shall be conclusive evidence that the provisions of this Act have been complied with, and that it is thenceforth in force within the said Town or Suburb, for such purposes as are mentioned in the Order.

Government to appoint Commissioners to make Rules subject to approval.

VI. Whenever this Act shall come into force in any Town or Suburb, the Governor or Governor in Council, or Lieutenant-Governor, shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Act in force, and shall give authority to them to prepare Rules for more effectually accomplishing the purposes for which they are appointed; which Rules, when approved by the Governor or Governor in Council, or Lieutenant-Governor, shall be of the same force within the said Town or Suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant-Governor, may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

The Rules to provide for five specified objects.

VII. The Rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say:

1. The appointment and management of all necessary officers and servants of the Commissioners, and the salaries to be allowed to them.

2. The definition of the persons or property within the Town or Suburb to be taxed for raising the monies necessary for the purpose of this Act, whether by House Assessment or Town Duties, or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them, and ensuring the safety and due application of them when collected.

3. The manner in which from time to time the Rules in force are to be amended or rescinded, and new Rules are to be made, with the approval in every case of the Governor or Governor in Council, or Lieutenant-Governor.

4. The definition and prohibition of nuisances within the Town or Suburb.

5. The imposition of reasonable penalties for breach of any Rule made by the Commissioners, not exceeding Fifty Rupees, or in the case of continuing nuisance, not exceeding Five Rupees for every day that such nuisance is continued.

Commissioners may make contracts and apply taxes for the purposes of this Act.

VIII. The Commissioners appointed from time to time shall have full power to make all necessary contracts for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their officers and servants, and in the other expenses incident to the execution of this Act within the said Town or Suburb.

Commissioners to be liable only for monies knowingly misapplied.

IX. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such Town or Suburb; but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of the East India Company.

Act II. 1839 extended to all arrears of Taxes, &c., under this Act.

X. The powers of Act II. 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act; and every Magistrate shall put in force the powers of the said Act II. 1839, for that purpose, whenever thereunto required by the Commissioners, or any of

their officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act.

No rate to be invalid for defect of form.

XI. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any Assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

What may be sold for arrears of Tax.

XII. All moveable property found in any house or building, or upon any land assessed under this Act, may be seized and sold by warrant of a Magistrate for payment of any arrear of tax laid on such house, building or land under this Act.

Commissioners to send once a year an account of works executed, and receipts and expenditure.

XIII. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Governor or Governor in Council, or Lieutenant-Governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Governor or Governor in Council, or Lieutenant-Governor, shall from time to time order.

Government may suspend this Act and appoint persons to report upon its operation.

XIV. The Governor or Governor in Council, or Lieutenant-Governor may, at any time, suspend the operation of this Act in any Town or Suburb, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or their officers in the execution of this Act.

ACT No. XXVII. OF 1850.

Repealed by Act I. 1859.

ACT No. XXVIII. OF 1850.

Repealed by Act I. 1859.

ACT No. XXIX. OF 1850.

GENERAL.

1. *Administering any poison, or stupefying or intoxicating drug or unwholesome thing, with intent to do bodily harm or with intent to commit an unlawful act, subject to transportation or imprisonment.*

2. *Under a charge with intent to murder, offender may be convicted of minor offence under the Act.*

3. *Act to be construed as part of Act XXXI.* 1838.

An Act to amend Act XXXI. 1838, for the Prevention of Poisoning.

For amendment of the Act XXXI. 1838, relating to the administration of Poison, or other deleterious substance, It is enacted as follows:

I. Whoever shall wilfully and maliciously administer to, or cause to be taken by any person, any poison, or any stupefying, or intoxicating drug, or any unwholesome thing, with intent in any of the cases aforesaid to do any permanent, or temporary bodily harm to such person, or with intent to commit, or abet the commission of any unlawful act, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

II. In any case in which any person shall be charged with administering to, or causing to be taken by any other person any poison, or other destructive thing with intent to commit murder, and the offence proved shall amount only to an offence under this Act, he may be punished as if he had been charged with an offence under this Act.

III. This Act shall be construed with and as part of Act XXXI. 1838.

ACT No. XXX. OF 1850.

Section 1, of this Act is obsolete. Sections 2—4 are repealed by Act XV. 1853.

BOMBAY.

ACT No. XXXI. OF 1850.

1. *A customs duty, equal to the excise duty, to be levied on all salt passing into or out of foreign territory.*
2. *And in the same manner.*
3. *Penalty of Rs. 500, or imprisonment for 3 months, on person smuggling salt by land and sea.*
4. *All smuggled salt, and vessels &c. used in smuggling it to be liable to confiscation.*
5. *Government or any authorized Revenue Officers may reward informers out of proceeds of confiscation.*
6. *No new salt works to be established, or old ones to be re-opened, without permission of Government.*
7. *Government may suppress any salt work not producing 5000 maunds yearly.*
8. *Act XXVII. 1837, S. 7, to apply wherever salt is found.*

An Act for protecting the Salt Revenue in Bombay.

Whereas it is expedient to provide for the better protection of the salt excise revenue, and to bring under control the right of opening or continuing salt works within the Presidency of Bombay, It is enacted as follows :

A customs duty, equal to the excise duty, to be levied on all salt passing into or out of foreign territory.

I. A duty of customs shall be levied on salt, passing by land into or out of foreign European Settlements, or Territories declared to be foreign under Section 8, Act I. 1838, at the same rate as the excise duty leviable on salt within the territories subject to the Presidency of Bombay.*

* So much of this Section as prescribes the levy of a duty of one Rupee per maund on Salt imported into the Bombay Presidency is repealed by Act VII. 1861, S. 1.

II. The said duty of customs shall be levied in the same manner and under the same rules and restrictions, and subject to the same penalties, as is prescribed for the levy of duties of customs on goods imported and exported by land by Act I. 1838.

And in the same manner.

III. Any person who shall be concerned in passing salt, either by land or sea, contrary to the provisions of this or any other Act, shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding Five Hundred Rupees, or both.

Penalty for smuggling salt by land and sea.

IV. All salt passed, or attempted to be passed or removed, contrary to the provisions of this or any other Act, and all vessels, carriages and animals used in so passing or removing such salt, and the contents of any package in which such salt may be concealed, shall be liable to confiscation at the discretion of the Governor of Bombay in Council, but may be redeemed on payment of such fine as the Governor in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may think reasonable.

All smuggled salt, &c., to be liable to confiscation.

V. The Governor of Bombay in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may reward informers and other persons through whose means any seizure of salt is made under this or any other Act, out of the proceeds of any such confiscation or of the fine paid in redemption thereof.

Government or any authorized Revenue Officers may reward informers out of proceeds of confiscation.

VI. No new salt works shall be established, and no old works not in use at the time of passing this Act, or which shall hereafter be abandoned during three consecutive seasons, shall be reopened, within the territories subject to the Presidency of Bombay, without the permission of the Governor of Bombay in Council; and any person who shall infringe these prohibitions shall be punishable with imprisonment for a term

No new salt works to be established, or old ones to be reopened, without permission of Government.

not exceeding three months, or fine not exceeding Five Hundred Rupees or both.

Government may suppress any salt work not producing 5000 maunds yearly.

VII. The Governor of Bombay in Council may at his discretion suppress any salt work which on an average of any three years, does not produce yearly at least five thousand Indian maunds of salt.

Act XXVII. 1837, S. 7, to apply wherever salt is found.

VIII. Sec. 7, Act XXVII. 1837, shall be applicable to any tracts of country where salt is found.

ACT No. XXXII. OF 1850.

Repeals Act XV. 1836.

An Act to repeal Act XV. 1836.

Whereas the reasons for which Subathoo and the other territories annexed thereto were placed under the control in civil cases of the Court of Sudder Dewanny Adawlut, then at Allahabad and now at Agra, no longer exist, It is enacted as follows:

I. Act XV. 1836, is repealed; except as to all cases and proceedings which at the time of the passing of this Act shall be under consideration by said Court, which shall be decided, and the orders passed thereon shall be executed, as if this Act had not passed.

ACT No. XXXIII. 1850.

BENGAL.

Recites Reg. VIII. 1819 S. 8, cl. 2.

1. *Zemindar in future to present petition to Collector and not to Civil Court.*

2. *All sales of putnee tenures without petition to Civil Court, to be valid, if no proceeding for reversal commenced, &c.*

3. *Putneedar may recover from Zemindar compensation for loss through irregular sales hereby made valid.*

An Act for amending the forms necessary for the sale of putnee tenures in Bengal.

Whereas by Clause 2, Section 8, Regulation VIII. 1819, of the Bengal Code, it is provided that Zemindars shall be entitled in certain cases to apply for the sale of putnee tenures on which the right of sale for an arrear of rent is reserved, by presenting a petition to the Civil Court of the district, and a similar one to the Collector, and whereas the petition to the Civil Court has not been presented previous to many of such sales, and it is not necessary for protection of the putneedar, It is enacted as follows:

I. After the passing of this Act, it shall not be necessary for the Zemindar in any such case to present a petition to the Civil Court, but a petition to the Collector shall be sufficient.

II. All sales of putnee tenures before the passing of this Act, which were held without presenting such petition to the Civil Court, and for the reversal of which no suit was commenced before the Fourth day of April in the year 1850, shall be deemed as valid as if such petition to the Civil Court had been presented.

III. Every putneedar whose tenure shall have been sold before the passing of this Act without such petition having been presented to the Civil Court, and the sale of which is hereby declared valid, shall be entitled to recover in a suit against the Zemindar or person at whose instance the sale has been effected, or his representatives, the amount of any

actual loss or damage sustained by such putneedar, by reason only of such sale having been made without the presentation of such petition to the Civil Court.

GENERAL.

ACT No. XXXIV. OF 1850.*

Recites doubts as to construction of Bengal Reg. III. 1818, and expediency of extending it to all India.

1. *Warrant of commitment under Reg. III. 1818, may be addressed to Supreme Court gaol-keeper or any other, &c.*

2. *Reg. III. 1818, extended to every Sheriff, &c. having any State Prisoner in custody.*

3. *Commitments under warrant of G. G. in C. to be held valid.*

An Act for the better Custody of State Prisoners.

Whereas doubts have been entertained whether State Prisoners, confined under Regulation III. 1818, of the Bengal Code, can be lawfully detained in any fortress, goal, or other place within the limits of the jurisdiction of any of the Supreme Courts of Judicature, established by Royal Charter, and it is expedient that such doubts be removed, and the powers of the said Regulation extended to all the territories under the Government of the East India Company, It is enacted as follows :

I. The warrant of commitment of any State Prisoner, under Regulation III. 1818, of the Bengal Code, may be directed to the Sheriff of the gaol of any of the Supreme Courts of Judicature established by Royal Charter in the said territories, or to the Commandant of any fortress, or to the Officer in charge of any gaol or other place, in which it is deemed expedient that such State Prisoner be confined, in any part of the said territories; and such warrant shall be sufficient authority for the detention of such State Prisoner in the fortress, gaol or other place mentioned in the warrant.

* This Act was extended by Act III. 1858.

II. Regulation III. 1818, of the Bengal Code, shall be extended and applied to every Sheriff, Commandant or Officer, having any State Prisoner in custody, under the said Regulation, as explained and extended by this Act.

III. Any State Prisoner, now confined under any such warrant within the jurisdiction of any of the said Supreme Courts, under the warrant of the Governor-General in Council, shall be deemed to have been lawfully committed thereunto.

ACT No. XXXV. OF 1850.

BOMBAY.

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1. *Government of Bombay may by proclamation declare what shall be Public Ferries and establish new Ferries.*
2. *And may fix rates of tolls.*
3. *No tolls to be levied from Soldiers on their march.*
4. *Government to provide Boats and Boatmen.*
5. *And to establish a Toll-keeper at every Public Ferry.*
6. *A Table of Tolls to be hung up conspicuously at every Ferry station.*
7. *Penalty of Rs.* 10 *on Toll-keeper who shall not hang up and keep in good order such Table of Tolls.*
8. *Penalty of Rs.* 50 *on Toll-keeper asking unauthorized toll.*
9. *Penalty of Rs.* 50 *on person crossing at Public Ferry and refusing or evading toll or damaging the Table.*
10. *All public Ferry-boats, Tindals and Toll-keepers to be registered.*
11. *Magistrates may make rules for fixing the number of passengers, animals and goods to be carried in any Public Ferry-boat, and for due discharge of their duty by Tindals, Toll-keepers, &c.*
12. *Government may lease any Public Ferry by auction or private contract, but not for more than seven years.*
13. *Ferry-boats between Bombay and Main-land to cross at least once each way daily.*
14. *Penalty of Rs.* 500 *on person ferrying for hire from Bombay and Colaba to the Main-land or any adjacent Island.*
15. *Penalty of Rs.* 500 *on person ferrying for hire within three miles of any Public Ferry.*
16. *Offences to be summarily determined by Zillah and Police Magistrate, and penalties to be recovered under Reg. XIX.* 1827.
17. *Tolls, rent, and penalties to be applied first to keeping up Ferries, and the residue to the improvement of roads &c., near the Ferries.*

18. *Government to appoint necessary officers for carrying out this Act and to fix their salaries.*

An Act for regulating the Bombay Ferries.

Whereas it is expedient to regulate the Public Ferries within the territories subject to the Presidency of Bombay. It is enacted as follows:

Government may declare what shall be Public Ferries.

I. The Governor of Bombay in Council may declare by Proclamation what Ferries within any part of the territories subject to the Presidency of Bombay, shall be deemed Public Ferries, and at any time hereafter, by a like Proclamation, may establish new Ferries where they are needed, and, from time to time, change the course of any Public Ferry, or discontinue any Public Ferry that is deemed unnecessary.

And may fix rates of tolls.

II. Tolls according to such rates as shall, from time to time, be settled or approved by the Governor of Bombay in Council, shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise carried over any Public Ferry.

No tolls to be levied from Soldiers on their march.

III. No tolls shall be leviable from any body of Soldiery on their march.

Government to provide Boats and Boatmen.

IV. Boats shall be provided under the authority of the Governor of Bombay in Council for each Public Ferry, and Tindals, Boatmen and other persons shall be appointed for their due navigation.

And to establish a Toll-keeper at every Public Ferry.

V. At every Public Ferry-station a Toll-keeper shall be appointed with a sufficient Establishment, whose duty it shall be to take the lawful tolls.

A Table of Tolls to be hung up conspicuously at every Ferry.

VI. A Table of Tolls, written or printed in the English and Native Languages, shall be hung up in some conspicuous place at every Ferry-station, so as to be easily read by all persons crossing the Ferry.

VII. Every Toll-keeper, who shall neglect to hang up and keep in good order and repair such Table of Tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding Ten Rupees.

Penalty of Rs. 10 for not hanging up and keeping in good order such Table of Tolls.

VIII. Every Toll-keeper, who shall ask or take any toll other than is allowed by the Table of Tolls, or who shall wilfully delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding Fifty Rupees.

Penalty of Rs. 50 for asking unauthorized toll.

IX. Every person crossing at any such Public Ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any Toll-station without paying the toll, or who shall in any way obstruct any Toll-keeper or any of his Assistants, in the execution of their duty under this Act, and also every person who shall maliciously damage any Toll-bar, Boat, or any other thing employed in or about any Public Ferry, or who shall maliciously remove, alter, destroy or damage any Table of Tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding Fifty Rupees, over and above the value of the damage which he has done.

Penalty of Rs. 50 for refusing or evading toll or damaging the Table.

X. All Public Ferry-boats shall be numbered and registered as the Governor of Bombay in Council shall direct, and the names of all Tindals, or persons placed in charge thereof, and of all Toll-keepers, shall likewise be so registered.

All public Ferry-boats, Tindals and Toll-keepers to be registered.

XI. The Magistrate of every Zillah in which there shall be a Public Ferry, and any Magistrate of Police of Bombay, whom the Governor of Bombay in Council may appoint for such purpose within their respective jurisdictions, shall make Rules, subject to confirmation by the Governor in Council, fixing the number of passengers, carts, carriages and animals, and the quantity of goods that may be carried in any public Ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the Ferry-boats in good

Magistrates may make Rules.

order, and otherwise for the due discharge of their duty by all Tindals, Toll-keepers and other persons employed at any Public Ferry, and any Tindal, Toll-keeper or other person infringing or disobeying any such Rule, shall be liable to make good any loss or damage which shall have been caused thereby, which may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

Government may lease any Public Ferry by auction or private contract, but not for more than seven years.

XII. The Governor of Bombay in Council may lease any Public Ferry by public auction, or private contract, from year to year, or any longer period not exceeding seven years, on such conditions as he deems advisable, in which case a contract setting forth the conditions on which the Ferry is to be held, shall be executed by the Contractor or Farmer, and security shall by him be given for its due fulfilment.

Ferry-boats between Bombay and Main-land to cross at least once each way daily.

XIII. The Ferry-boat at any Public Ferry which shall be established between the Island of Bombay and the Main-land, and adjacent Islands, shall cross each way at least once daily, unless hindered by stress of weather or other unavoidable accident.

Penalty for person ferrying for hire from Bombay and Colaba to the Main-land or any adjacent Island.

XIV. Every person who, without the special license of the Governor of Bombay in Council, shall convey for hire any passenger, animal, cart, carriage, or goods, from any part of the Islands of Bombay and Colaba across the Harbour of Bombay to the Main-land, or to any of the adjacent Islands, shall be liable to a penalty not exceeding Five Hundred Rupees; but this penalty shall not apply to the carriage for hire of passengers, animals, carts, carriages and goods from one part of the Islands of Bombay and Colaba to another part of either of the said Islands, nor to any person specially hiring any boat for the carriage of himself and family, or friends with their goods and servants, across the Harbour of Bombay to the Main-land, or any of the adjoining Islands, nor to the person letting any boat to hire for such purpose.

XV. Every person who shall convey for hire any passenger, animal, cart, carriage or goods across any other arm of the sea, creek or river within the said Presidency, to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any Public Ferry, without the special license of a Magistrate of the Zillah or Town in which the Ferry is situated, shall be liable to a penalty not exceeding Five Hundred Rupees.

Penalty for ferrying for hire within three miles of any Public Ferry.

XVI. All offences against this Act shall be summarily heard and determined by the Magistrate of the Zillah within the limits of which the same shall have been committed, and, if within the limits of the jurisdiction of the Supreme Court of Bombay, by any Magistrate of Police of Bombay. All penalties shall be recovered in the manner directed for the recovery of the fines specified in Clauses 1, 2 and 3, Section 14, Regulation XIX. 1827, of the Bombay Code.

Offences to be summarily determined by Zillah and Police Magistrate, and penalties to be recovered under Reg. XIX. 1827.

XVII. All tolls payable on account of any Public Ferry, and all rent payable on account of such of them as are farmed, and all penalties for offences against this Act, shall form a general Fund, which shall be applied, in the first instance, toward the expenses necessary for keeping up all the Ferries throughout the Presidency of Bombay, and the residue, if any, shall be applied under the directions of the Governor of Bombay in Council, in the improvement of the public roads, ways, thoroughfares, leading to and from any of the said Ferries.

Tolls, &c., to be applied first to keeping up Ferries and then to the improvement of roads, &c.

XVIII. The Governor of Bombay in Council may appoint such officers and other persons as shall be necessary for carrying this Act into execution, with such salaries as the Governor-General of India in Council shall approve, to be paid out of the Fund produced by the Tolls and Fines as provided by this Act, and the Governor of Bombay in Council may, from time to time, delegate any of the powers conferred on him by this Act to any Magistrate or other person as he thinks fit.

Government to appoint necessary officers for carrying out this Act and to fix their salaries.

ACT No. XXXVI. OF 1850.

Repealed by Act XXIX. 1861.

ACT No. XXXVII. OF 1850.

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1. *Acts VI. 1838; XXVI. 1839; XIII. 1843, repealed.*

2. *When Government consider public enquiry into the conduct of any of its Officers necessary, distinct Articles of Charge shall be drawn out.*

3. *The enquiry shall be committed either to the authority to which the accused is subordinate or to special Commissioners.*

4. *Government may nominate some person to conduct the prosecution.*

5. *Charge by private accuser to be reduced to writing and verified, under penalties of perjury.*

6. *If private accuser prosecute, Government shall require security that he will prosecute thoroughly, and be forthcoming to answer any counter-charge.*

7. *Government may abandon prosecution, allowing private accuser to continue it on giving security.*

8. *Power of Commissioners to punish contempts and to issue process.*

9. *Penalty for disobeying process issued for the purposes of the Commission.*

10. *A copy of the charge, and a list of the documents and witnesses, to be delivered to the accused at least three days before the enquiry.*

11. *At the enquiry, the charge shall be openly read, and the accused required to plead to each article; default of appearance to be taken to admit the charge.*

12. *The prosecutor may than address the Commissionor on the charge.*

13. *Oral and documentary evidence for the prosecution to be then formally taken.*

14. *Prosecutor may by leave call witnesses not included in the list, but in such case, the accused may demand an adjournment for three days.*

15. *On close of case for prosecution, accused shall make his defence, which, if in writing, shall be recorded.*

16. *Evidence for the defence shall be formally taken.*

17. *Witnesses on both sides to be subject to the penalties of perjury, prosecutor may be a witness.*

18. *Notes of evidence how to be taken, and recorded.*

19. *If accused puts in a written defence, prosecutor may reply orally, and produce evidence. Otherwise, not.*

20. *If any charge be not sufficiently clear, the Commissioners may have it amended. Commissioners may from time to time adjourn the enquiry.*

21. *After close of enquiry, Commissioners to report their proceedings and their opinion on each charge separately.*

22. *Government may then order further evidence to be taken, or further explanation to be given, or refer to a superior Court, or pass final orders.*

23. *Interpretation of the word "Government."*

24. *Act not to repeal any law for suspension or dismissal of certain Uncovenanted Officers.*

25. *Nor to affect the power of Government to suspend or remove without enquiry any public servant.*

For regulating Inquiries into the behaviour of Public Servants.

Whereas it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable without the sanction of Government, and to make the same uniform throughout the territories under the Government of the East India Company, It is enacted as follows:

Acts repealed.

I. The following Acts VI. 1838, XXVI. 1839, and XIII. 1843 are repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation thereby repealed.

When Government consider public enquiry into the conduct of any of its Officers necessary, distinct Articles of Charge shall be drawn out.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of the East India Company not removable from his office without the sanction of the same Government, it shall cause the substance of the imputations to be drawn into distinct Articles of Charge, and shall order a formal and public inquiry to be made into the truth thereof.

The enquiry shall be committed either to the authority to which the accused is subordinate or to special Commissioners.

III. The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be especially appointed by the Government, Commissioners for the purpose: notice of which Commission shall be given to the person accused ten days at least before the beginning of the inquiry.

Government may nominate some person to conduct the prosecution.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

Charge by private accuser to be reduced to writing, and verified, under penalties of perjury.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury: but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

If private accuser prosecute, Government shall require security from him.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government, before appointing the Commission, shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution, or perjury or subornation of perjury, as the case may be.

Government may abandon prosecution, allowing private accuser to continue it on giving security.

VII. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

Power of Commissioners to punish contempts and to issue process.

VIII. The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by Act XXX. 1841, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection as the Zillah and City Judges, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through and executed by the Zillah or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served,

and if he resides within Calcutta, Madras or Bombay, then through the Supreme Court of Judicature there. When the Commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.*

Penalty for disobeying process issued for the purposes of the Commission.

IX. All persons disobeying any lawful process, issued as aforesaid for the purposes of the Commission, shall be liable to the same penalties, as if the same had issued originally from the Court or other authority through whom it is executed.*

A copy of the charge and a list of the documents and witnesses to be delivered to the accused at least three days before the enquiry.

X. A copy of the Articles of Charge, and a list of the documents and witnesses by which each charge is to be sustained, shall be delivered to the person accused, at least three days before the beginning of the inquiry, exclusive of the day of delivery, and the first day of the inquiry.

At the enquiry, the charge shall be openly read and the accused required to plead to each article.

XI. At the beginning of the inquiry, the prosecutor shall exhibit the Articles of Charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead 'guilty' or 'not guilty' to each of them, which pleas shall be forthwith recorded with the Articles of Charge. If the person accused refuses, or without reasonable cause neglects, to appear to answer the charge, either personally or by his Counsel or Agent, he shall be taken to admit the truth of the Articles of Charge.

The prosecutor may then address the Commissioner on the charge.

XII. The prosecutor shall then be entitled to address the Commissioners in explanation of the Articles of Charge, and of the evidence by which they are to be proved; his address shall not be recorded.

Oral and documentary evidence for the prosecution to be then formally taken.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined

* The provisions contained in these two Sections were extended by Act XXXII. 1854, Sec. 3, to the Madras Torture Commission.

by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

Prosecutor may by leave call new witnesses; but in such case, accused may demand an adjournment.

XIV. If it shall appear necessary, before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence, and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days before the exhibition of such new evidence, exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

On close of prosecution, accused shall make his defence, which, if in writing, shall be recorded.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

Evidence for the defence shall be formally taken.

XVI. The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Commissioners, according to the like rules as the witnesses for the prosecution.

Witnesses on both sides to be subject to the penalties of perjury, prosecutor may be a witness.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in Courts of Justice, on solemn affirmation, to be administered in either case by one of the Commissioners, and every witness, so examined and wilfully giving false evidence on any material point, shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution and may be examined for the defence.

XVIII. The Commissioners, or some person appointed by them, shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.

Evidence how to be taken and recorded.

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

If accused puts in a written defence, prosecutor may reply orally, and produce evidence, but not otherwise.

XX. When the Commissioners shall be of opinion that the Articles of Charge, or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

If any charge be not sufficiently clear, the Commissioners may order it to be amended. Power to adjourn the enquiry.

XXI. After the close of the inquiry, the Commissioners shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the Articles of Charge separately, with such observations as they think fit on the whole case.

After close of enquiry, Commissioners to report.

XXII. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional Articles of Charge to be framed, in which

Powers of Government on receipt of report.

case the inquiry into the truth of such additional Articles shall be made in the same manner as is herein directed with respect to the original charges. When Special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

Interpretation of the word "Government."

XXIII. The word 'Government' as used in this Act means the Governor-General in Council, the Governor or Deputy Governor of the Presidency of Fort William in Bengal, the Governor in Council of the Presidencies of Fort St. George and Bombay, respectively, and the Lieutenant-Governor of the North-Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

Act not to repeal any law for suspension or dismissal of certain uncovenanted Officers.

XXIV. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sudder Ameens or of Deputy Magistrates or Deputy Collectors, but a commission may be issued for the trial of any charge against any of the said Officers, under this Act, in any case in which the Government shall think it expedient.

Nor to affect the power of Government to suspend or remove without enquiry any public servant.

XXV. Nothing in this Act shall be construed to affect the authority of Government for suspending or removing any public servant for any cause, without an inquiry under this Act.

ACT No. XXXVIII. OF 1850.

Repealed by Act XVII. 1862.

ACT No. XXXIX. OF 1850.

Expired.

ACT No. XL. OF 1850.

1. *Repealed.*
2. *Pawnbrokers to take out a License, for which a fee may be required. License may be suspended when Superintendent of Police thinks fit.*
3. *No person to exercise the trade without a License, and unlicensed person to be subject to a penalty.*
4—10. *Repealed.*

An Act for Licensing Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca.

Whereas it is expedient to amend the law regarding Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca, It is enacted as follows :

I. *Repealed by Act XIII.* 1856.

II. Every Pawnbroker shall take out a License from the Superintendent of Police of the station or place at which his shop is situated, for the grant and registration of which a Fee shall be paid to the Superintendent of Police on account of Government, of such amount as shall be from time to time fixed by the Government of the Straits Settlements ; and every such License may be annulled, whenever the Superintendent of Police shall think fit.

III. No person shall exercise the trade of a Pawnbroker within the said Settlements, without a License ; and every unlicensed person who shall take in pledge, or keep in deposit any Goods or Chattels as security for the loan of any sum of money under One Hundred and Fifty Dollars, shall forfeit for each offence a penalty not exceeding Fifty Dollars.

IV.—X. *Repealed by Act XIII.* 1856.

ACT No. XLI. OF 1850.

1. *Penalty of* 100 *Dollars on Captains, &c. of ships, &c. landing decrepit paupers on the Islands, without leave.*

2. *Any two Justices may remove any Beggar or chargeable pauper, who has not resided one month in the Settlement, to the place from which he was brought. Cost of removal to be paid by the Master of the Ship who brought him.*

3. *Captain, &c. of every vessel to deliver to Master Attendant a true list of all passengers on board at time of arrival, under penalty of* 500 *Dollars.*

An Act to prevent the landing and leaving of decrepit Beggars, in the Settlements of Prince of Wales' Island, Singapore and Malacca.

Whereas much public inconvenience has arisen by Masters of Ships and Nakodas of Junks and other Vessels landing and leaving in the Settlements of Prince of Wales' Island, Singapore and Malacca, diseased, maimed, blind and decrepit persons, who afterwards beg for subsistence in the public streets, It is enacted as follows:

I. From the first day of January 1851, all Captains, Commanders, Masters or Nakodas of Ships, Junks, Topes, Boats, Prahus or other vessels, who shall bring, and land, or cause to be brought and landed in any part of the Settlements of Prince of Wales' Island, Singapore and Malacca, or in any of the places now or hereafter to be subordinate or annexed thereto respectively, without leave of the Superintendent of Police of such place, any diseased, maimed, blind or decrepit person, not having the means of subsistence, and who may be hindered by his or her diseased, blind or disabled state from earning a livelihood, shall, on conviction before two Justices of the Peace, be liable for every such offence, to pay a fine not exceeding One Hundred Dollars, and in default of payment, to be imprisoned for any period not exceeding two calendar months.

II. Any two Justices, upon the complaint of the Superintendent or other officer of Police, that any such person, who has not resided one month in the Settlement, has been found begging or has become chargeable to the Settlement, may cause such person to be brought before them, and may examine such person and any other witnesses on oath or solemn affirmation touching the place from which he or she was brought to the said Settlement, and may cause any such person to be removed to the place from which he or she was brought, in such manner as shall be from time to time directed by the Governor of the said Settlements and the reasonable cost of such removal shall be borne and paid by the Master of the Vessel by whom such person was brought to the Settlement, and may be sued for and recovered as so much money due from him to the East India Company, and paid by the Company on his account.

III. The Captain, Commander, Master or Nakoda of every such vessel shall, within twenty-four hours of the arrival of the vessel at any one of the said Settlements, deliver to the Master Attendant of the port a true list of all the passengers embarked on board of his vessel at the time of such arrival, specifying the name, nation and rank or condition in life of each; and every such Captain, Commander, Master or Nakoda who, without reasonable excuse, shall neglect to deliver such list within the appointed time, or wilfully make out or deliver a list which is false or incomplete in any respect, shall, on conviction before two Justices of the Peace, be liable to pay a fine not exceeding Five Hundred Dollars, and in default of payment, to be imprisoned for any term not exceeding three calendar months.

ACT No. XLII. OF 1850.

Repealed by Act VI. 1857.

ACT No. XLIII. OF 1850.

Repealed by Act XIX. 1857. *S.* 98

BENGAL, L. P.

ACT No. XLIV. OF 1850.

1. *Repeals Reg. IV.* 1819.
2. *Transfers powers, &c. of Board of Revenue in Customs, Salt and Opium Department, to the Sudder Board of Revenue constituted under Reg. I.* 1829.
3. *Sudder Board of Revenue to be styled* Board of Revenue for the Lower Provinces.

An Act for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.

Whereas by Regulation IV. 1819, of the Bengal Code, a Board of Revenue in the Customs, Salt and Opium Department was constituted in the Province of Bengal, with all the duties, powers and authorities of the Board of Revenue, with respect to customs and town duties, and with the powers theretofore possessed by the Board of Trade in the Salt and Opium Departments; and whereas it is not now necessary that this Board should be continued separate from the Board of Revenue in the Lower Provinces of Bengal, It is enacted as follows:

I. Regulation IV. 1819, of the Bengal Code, is rescinded; but not so as to revive any part of any Rule or Regulation thereby rescinded and annulled.

II. All powers and duties now vested in, or belonging to the Board of Revenue in the Customs, Salt and Opium Department, and its officers respectively, shall be transferred to the Sudder Board of Revenue constituted in the said Lower Provinces according to Regulation I. 1829, of the Bengal Code, and its officers respectively: and all Acts and Regulations now in force relating to the said Customs, Salt and Opium Board of Revenue, or its officers, shall be understood henceforth, as if the said Sudder Board of Revenue and its officers had been respectively mentioned therein instead of the said Board of Customs, Salt and Opium, and its officers.

III. The said Sudder Board of Revenue shall be henceforth styled the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal.

ACT No. XLV. OF 1850.

1. *Coroners to hold inquests on bodies within their jurisdiction, whether the cause of death occurred within or not.*

Act to declare the law as to the jurisdiction of Coroners.

For removal of doubts as to the jurisdiction of Coroners, It is declared and enacted as follows:

I. In all cases in which an inquest ought to be holden on any body lying dead within the jurisdiction of any Coroner, appointed for any place within the territories under the Government of the East India Company, the Coroner having jurisdiction where the body is lying dead has power to hold and shall hold such inquest: and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

ACT No. I. OF 1851.

Repealed by Act XII. 1859.

ACT No. II. OF 1851.

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1. *Judge of Sudder Court not to be disqualified for hearing appeal by reason of having been Judge of the lower Court whose decree is appealed against.*

To amend Regulation XIII. 1810, of the Bengal Code, for the trial of Appeals

Whereas the Sudder Dewanny Adawlut of the North-Western Provinces of the Presidency of Fort William in Bengal, as now constituted, comprises three Judges only, and appeals cannot therefore be entertained according to Regulation XIII. 1810, of the Bengal Code, and Act II. 1843, where the judgment appealed from was passed by one of the said Judges, and it is therefore expedient that the said Regulation be amended, It is enacted as follows:

I. No Judge, of either of the Courts of Sudder Dewanny of the Presidency of Fort William in Bengâl, shall be disqualified from being one of three Judges sitting for the hearing and decision of an appeal, by reason of his having passed the decision in the lower Court, against which the appeal is made.

ACT No. III. OF 1851.

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1. *Act XXIX. of* 1838, *as to proceedings by Salt Officers on information of Salt exceeding one maund being stored, extended to information of Salt being unlawfully manufactured.*

2. *Act XXIX. of* 1838, *Sec.* 14 *modified. Penalties prescribed by Reg. X. of* 1819, *and Act XXIX. of* 1838, *for the illegal possession and transmission of Salt, extended to persons conveying more than five, and to gangs carrying more than ten, seers of Salt without protective document.*

An Act to amend Regulation X. 1819 and Act XXIX. 1838, for preventing the unlawful manufacture and transportation of Salt.

Whereas the laws in force for prevention of the unlawful manufacture and transportation of Salt in the Provinces of Bengal, Behar and Orissa are defective, It is enacted as follows :

I. Any Salt Agent or Superintendent of Salt Chowkies, and also any Assistant to a Salt Agent or Superintendent, or head officer of any Salt Chowkee or Aurung, to whom information shall be given that salt is unlawfully manufactured in any warehouse, dwelling-house or other enclosed place within his jurisdiction, may act upon such information in the same manner as in Act XXIX. 1838 he is authorized to act, upon information given him of salt exceeding one maund in quantity being in store in a house, warehouse or other place; and all freshly manufactured contraband salt found by such officer shall be liable to seizure, together with the implements of manufacture, and the provisions of Sections 2 to 10, of Act XXIX. 1838, as to the receipt of information and the manner of search and seizure, and of Section 23 of the same Act, as to the penalty for false and malicious information, shall be applicable to information given and search and seizure made under this Act.

II. In modification of Section 14, Act XXIX. 1838, any person who shall be found conveying salt, exceeding in quantity five seers of eighty tolahs to the seer, without protective document, within the tract of country in Bengal or Orissa wherein the transportation of salt, unless so protected, is prohibited, and also all persons found in gangs or companies carrying salt so unprotected, which in the whole quantity exceeds ten such seers, shall be subjected to the penalties prescribed by Regulation X. 1819, of the Bengal Code, and Act XXIX. 1838, for the illegal possession and transportation of salt.

ACT No. IV. OF 1851.

Repealed by Act. XVII. 1862.

ACT No. V. OF 1851.

Recites Sir Thomas Turton's appointment as Ecclesiastical Register, his resignation, insolvency and inability to pay monies officially due from him.

Also, that Commissioners have reported on Sir Thomas Turton's deficiencies, and that it is expedient to pay the losses out of the accumulated produce of unclaimed estates in charge of the Administrator General.

1. *The net proceeds of all estates administered by the Ecclesiastical Registrar and ready to be distributed before January 1836 and not since claimed, and of all estates administered or to be hereafter administered by the Administrator General, which shall continue unclaimed for 15 years, shall be paid to the Sub-Treasurer of the E. I. C. to the credit of the E. I. C. for the general purposes of Government.*

2. *If Claimants appear and can establish their right to it to satisfaction of Administrator General and Accountant, such money to be paid by the E. I. C.; but any claimant, failing so to establish his right, may petition the Supreme Court, which may decide the case.*

3. *The Accountant to direct the Sub-Treasurer to pay the persons named in the several Schedules to the Commissioners' report, the sums due to them respectively.*

For relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet.

Recites Sir Thomas Turton's appointment as Ecclesiastical Register, his resignation, insolvency and inability to pay monies officially due from him.

Whereas, under an Act of Parliament passed in the fortieth year of the Reign of King George the Third, entitled "An Act for establishing further regulations for the government of the British Territories in India, and the better administration of justice within the same," Sir Thomas Edward Mitchell Turton, Baronet, as Registrar of the Ecclesiastical Court at Fort William in Bengal, was empowered to administer to the Estates of all British Subjects dying intestate within the said Presidency of Fort William, in default of any claim made and established on behalf of any next of kin or creditor to the deceased; And whereas the said Sir Thomas, on or about the 25th day of February, 1848, resigned the office of Registrar of the said Ecclesiastical Court, then being insolvent, and unable to pay several large sums of money due to the owners of sundry Estates to which he had administered or had assumed to administer under the power vested in him by the said Act, and

also other sums of money due to the owners of sundry Estates of which he had taken charge as such Registrar, although on account of the small value thereof or otherwise, no Letters of Administration of the last mentioned Estates were granted to him, and also other sums of money belonging either to suitors of the Supreme Court of Judicature at Fort William in Bengal, or other persons for whose benefit a trust was created in the said Sir Thomas, by reason of his holding the office of Registrar of the said Court, on its Ecclesiastical, Equity and Admiralty sides, or as Curator under Act XIX. 1841, or as Official Trustee under Act XVII. 1843 ;

Also, that Commissioners have reported on Sir Thomas Turton's deficiencies.

And whereas, in order to know the deficiency of the said Sir Thomas in respect of the said several particulars of charge, certain Commissioners were appointed by an order under the seal of the Supreme Court of Judicature at Fort William, bearing date the 8th March, 1848, to enquire and report thereon to the Court;

And whereas the said Commissioners made their report to the said Court, bearing date the 25th January, 1849, and now filed of record in the said Court, whereby they reported fully on the several matters committed to them as aforesaid, setting forth in the body of the said Report, and also in certain Schedules thereunto annexed marked (A,) (B,) (C,) (D,) (E,) and (F,) respectively, the names and titles of the several Estates, suitors and other persons to whom, upon the account taken by them, money or securities for money appeared to be due by the said Sir Thomas ;

And that it is expedient to pay the losses out of the accumulated produce of unclaimed estates in charge of the Administrator General.

And whereas it is deemed expedient, that the said sufferers by the insolvency of the said Sir Thomas Edward Mitchell Turton be reimbursed their several losses out of the accumulated produce of certain unclaimed Estates, now in the custody and management of the Administrator General, due provision being made for securing the interests of the rightful claimants thereunto, if any shall hereafter appear ; It is enacted as follows ;

The net proceeds of all estates ready to be

I. The net proceeds of all Estates to which the Registrar of the said Ecclesiastical Court has administered in right or under

distributed before Jan. 1836 and not since claimed, and of all estates administered by the A. G. and unclaimed for fifteen years, shall be paid to the Sub-Treasurer for the general purposes of Government.

color of his office under the said Act of Parliament, and which from the official books and accounts of the said Registrar appear to have been in the custody or control of the said Registrar ready to be distributed before the first day of January 1836, and to have been since that time unclaimed and now to continue unclaimed in the custody or control of the Administrator General in Bengal in right of his office under Act VII. 1849, and also from time to time the net proceeds of all Estates to which the said Registrar or the said Administrator General under the said Act VII. 1849 has administered, or to which the said Administrator General shall hereafter administer, and which shall in like manner appear to have continued for fifteen years in his custody or control unclaimed, shall be transferred and paid, as the same respectively accrue, to the Sub-Treasurer of the East India Company at Fort William in Bengal, and be carried to the account and credit of the East India Company for the general purposes of Government, and the receipt of the said Sub-Treasurer shall be a full indemnity and discharge to the said Administrator General for any such payment.

If Claimants can establish their right to it to satisfaction of A. G. and Accountant, the money to be paid by the E. I. C.; and if they fail, they may petition the Supreme Court.

II. If any claim shall be hereafter made to any part of the net proceeds of any Estate so transferred and paid to the account and credit of the East India Company, and established to the satisfaction of the Administrator General and Accountant to the Government of Bengal for the time being, the said Accountant shall direct the Sub-Treasurer to repay, and the Sub-Treasurer shall thereupon repay, the principal sum so paid or presented by the Securities so transferred, or so much thereof as shall appear to be due to the claimant out of the monies of the East India Company in his custody. If the claim is not established to the satisfaction of the said Administrator General and Accountant, the claimant may apply by petition to the said Supreme Court against the East India Company and Administrator General, for the time being; and, after taking evidence, either orally or on affidavit in a summary way as the Court shall think fit, the Court shall make such orders on the petition as justice requires, which shall be binding on all parties to the suit.

III. The Accountant to the Government of Bengal is authorized and required from time to time to direct the Sub-Treasurer to pay, and the Sub-Treasurer shall thereupon pay, out of the monies of the East India Company in his custody, *such sums as will be sufficient to pay off and discharge to such persons as shall appear to be entitled thereunto, as the lawful representatives of the Intestates and others named in the Schedules* (A,) *(B,)* (C,) *(D,) (a)* annexed to the said Report, and also to the suitors and other persons entitled to the Equity Deposits and Trust monies in the suits and under the trusts named in the Schedules (E,) and (F) annexed to the said Report, and other deposits and trust monies (if any) paid or entrusted to the said Sir Thomas by order of the said Court, and to the net proceeds of the estate of Ramnarain Coondo, of which the said Sir Thomas was Curator under Act XIX. 1841, *the several principal sums of money, which, upon the final adjustment of the accounts of their several claims and estates, shall appear to have been due to them respectively from the said Sir Thomas on the 25th day of February,* 1848, *and to be then still due and unsatisfied,** and also the balance due by the said Sir Thomas to Government in respect of Court fees received by him as Registrar of the said Court, but not accounted for by him to Government.

Accountant to direct Sub-Treasurer to pay the persons named in the several Schedules, the sums due to them respectively.

ACT No. VI. OF 1851.

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1. *Specified Foras Lands to be vested in the East India Company, free from all rights, for public purposes.*
2. *Certain other Foras Land to be vested hereafter in the immediate rent-payers, extinguishing the rights of the East India Company except with regard to forfeiture and escheat.*
3. *Extinguishment of rights of the E. I. C. to enure for the benefit of the persons beneficially entitled.*
4. *Such lands not to be exempt from general taxes on Land.*
5. *The Government of Bombay may appoint* 5 *Commissioners to carry out this Act, any* 3 *of whom to be a Quorum.*

* So much of this Section as relates to the payment and discharge to lawful representatives of the Intestates and others named in Schedules B. and D, of the several principal sums therein mentioned is repealed by Act XIII. 1851, S. 3.

6. *Duplicate of the recited plans to be a record in the office of the Commissioners.*

7. *Commissioners to estimate the value of the lands and improvements in plan No. 2, and the expenses under this Act, and to assess the amount on Lands in plan No. 1, and the funds so raised to form the Foras Land Assessment Fund.*

8. *Witness refusing to appear or give evidence after Summons, to be liable to fine of Rs. 10.*

9. *Estimate and assessment to be recorded in office of Commissioners.*

10 *After estimate, Commissioners shall sign certificates, entitling the holder to demand payment out of the Foras Land Assessment Fund.*

11. *Present rent-payers of Land in plan No. 2 to be first holders of certificates.*

12. *Certificates when completed to be distributed; or in doubtful cases to be deposited with the Prothonotary of the Supreme Court for adjudication.*

13. *Any person, better entitled, may sue the holder of a certificate in the Supreme Court.*

14. *Notice of completion of assessment to be given in Gazette, and three weeks afterwards, assessments to be collected.*

15. *Commissioners may employ surveyors, &c., and incur necessary charges.*

16. *Commissioners may grant receipts for the Assessment, but such receipts not to affect the title to the Land.*

17. *Surplus raised by distress and sale of Lands, how to be disposed of.*

18. *Person better entitled shall recover money paid from the recipients, not from the Commissioners.*

19. *Certificates to be transferable by endorsement.*

20. *Commissioners may grant warrant for delivery of Lands to officers of Government, and such warrant to have same effect as writ of possession to Sheriff.*

21. *Commissioners with written consent of Government may alter plans, but plans in Secretaries' office to be deemed authentic.*

22. *Commissioner not to be liable to legal proceedings for anything done by him as such.*

23. *On the close of the Commission, its records to become records of Government.*

24. *Unappropriated balance of Foras Fund to be paid to Muncipal Fund, and deficiency if any to be paid from Municipal Fund.*

Schedules 1, 2, 3.

Respecting certain land in Bombay called Foras Land.

Whereas the East India Company are legally entitled to the freehold reversion of the several lands heretofore paying a

render called Foras, the outline whereof is delineated in a plan deposited in the office of the Secretary to the Government of Bombay and authenticated by the signatures of the Right Honorable the Governor and Members of the Council of Bombay and numbered 1, subject to certain tenancies therein at will, or from year to year; and whereas it is considered expedient, as of grace and favor, that the rights of the said East India Company in all of the lands included in the said plan (save those marked upon the said plan as to be taken, or as having already been taken for public roads, tanks and other public purposes, the outline of which lands as to be or having been taken is also delineated in another plan numbered 2, also deposited and authenticated as aforesaid) should be extinguished save as hereinafter mentioned, It is enacted as follows:

Specified Foras Lands to be vested in the E. I. C., free from all rights, for public purposes.

I. The lands comprised in the said plan No. 2 shall, from and after the first day of July in the year 1851, be vested in the said Company, free from all rights therein of all other persons, for the purpose of constructing public roads, tanks and other public purposes.

Certain other Foras Land to be vested hereafter in the immediate rent-payers, extinguishing the rights of the E. I. C. except with regard to forfeiture and escheat.

II. From and after the said first day of July, the rights of the said Company in all of the said lands mentioned in the said plan No. 1, except those mentioned in the said plan No. 2, shall be extinguished in favor of the persons who shall then hold the same respectively as the immediate rent-payers to the said Company, saving the rents now severally payable in respect of such lands, which shall continue payable, and recoverable by distress or by any means by which land revenue in Bombay is or shall be recoverable under any Act or Regulation, and saving also all rights of forfeiture and escheat, in respect of want of heirs or representatives, or of felonies committed, or otherwise in respect of attainder.

Extinguishment to enure for the benefit of the persons beneficially entitled.

III. As between such rent-payers and other persons, such extinguishment shall enure for the benefit of the persons beneficially entitled to the lands thereby affected, and not of any mere Trustee or other person in whom the legal estate only is or may be vested.

Such lands not to be exempt from general taxes on Land.

IV. Nothing herein contained shall exempt such lands from being liable to any future general taxes on land in Bombay, or from being subject to Act XXVIII. 1839 and Act XVII. 1850.

Government may appoint five Commissioners to carry out this Act, any three of whom to be a Quorum.

V. After the said first day of July as soon as shall be convenient, the Governor of Bombay in Council shall appoint fit persons, not exceeding five in number, to be Commissioners under this Act, for the purposes hereinafter mentioned (with such salaries or remuneration as to the said Governor in Council shall seem fit); any three or four of whom met together, (two being Officers of Government), may do any act which by this Act the Commissioners are empowered to do; and in case of the death, resignation, removal or absence of any such Commissioner, the Governor in Council shall appoint another in his room.

Duplicate of the recited plans to be a record in the office of the Commissioners.

VI. A duplicate of the said plans, authenticated by one of the Secretaries to the Government of Bombay, shall be lodged with the said Commissioners and shall form a record of their office.

Commissioners to estimate the value of the lands and improvements in plan No. 2, and the expenses under this Act, and to assess the amount on Lands in plan No. 1.

VII. From and after the said first day of July, the said Commissioners shall proceed to estimate the value of the several portions of land and the improvements thereon comprised in the said plan No. 2, and of the expenses which will be incurred in executing this Act, and to assess the amount of such estimate in such way and in such proportions as to them shall seem right to and upon the lands mentioned in the said plan No. 1, and the fund to be raised by such assessment shall be denominated the "Foras Land Assessment Fund;" and, for the purpose of framing such estimate and making such assessment, the said Commissioners may summon as witnesses any persons whomsoever, whether interested or not in the said lands, and examine them on oath or otherwise as they may see fit, or proceed upon a mere estimate, according to the best of their judgment, without evidence.

VIII. Any person summoned as a witness, and refusing or without lawful excuse neglecting to appear and give evidence according to the terms of the summons, may, on proof thereof, be fined by any Magistrate of Police for every default a sum not exceeding ten Rupees, to be paid to the said Commissioners for the said Foras Land Assessment Fund, and may be committed to prison in default of payment.

Witness disobeying Summons to be liable to fine of Rs. 10.

IX. The said estimate and assessment when completed shall be signed by the said Commissioners and form a record of their office.

Estimate and assessment to be recorded in office of Commissioners.

X. After the completion of the said estimate the said Commissioners shall make out and sign certificates, which shall, by numbers, or in such other way as to the said Commissioners may seem more convenient, refer to the several portions of land mentioned in the said plan No. 2, and shall show the estimated value of the land and improvements thereon to which the same refer, which certificate shall give to the holders thereof a right to demand payment of the sums for which the same are in the body of the same expressed to be granted, from and out of the said "Foras Land Assessment Fund," after the said Commissioners shall, by public advertisement in the Bombay Government Gazette, have advertised that they are ready to redeem the said certificates.

After estimate, Commissioners shall sign Certificates.

XI. The persons who shall have been the rent-payers to the said Company on the said first day of July of any land mentioned in the said plan No. 2, or their representatives or assigns, shall be entitled to be the first holders of the certificates relating to the same lands.

Present rent-payers of Land in plan No. 2 to be first holders of Certificates.

XII. When the said certificates shall have been completed, the said Commissioners shall distribute the certificates to the persons entitled thereto; or, if it shall appear to them doubtful to whom any certificate should be delivered, may deposit it with the Prothonotary of the Supreme Court of Judicature established at Bombay by Royal Charter, which Court may

Certificates when completed to be distributed; or in doubtful cases to be deposited in Supreme Court for adjudication.

adjudicate upon the right to every certificate so deposited, and may direct how such right shall be tried.

Any person better entitled may sue the holder of a certificate.

XIII. The delivery to any person by the Commissioners of any certificate shall not confer upon him any right to retain the same as against any person having a better title thereunto, who shall be at liberty to sue for and recover the same and all benefits thereto belonging in the said Supreme Court, by such proceeding as the said Court shall direct.

Notice of completion of Assessment to be given in Gazette, three weeks before collection.

XIV. When the said assessment shall have been completed, the Commissioners shall give notice thereof in the Government Gazette, and, after the expiration of three weeks next following the publication of such notice, shall proceed to collect the assessments, and if necessary to levy them by distress and sale of any goods found on the said lands, or by sale of the lands assessed; and the said Commissioners shall keep accounts of the sums received for assessment, and pay the same from time to time into the Bank of Bombay.

Commissioners may incur necessary charges.

XV. The said Commissioners, subject to the approval of the Governor of Bombay in Council, may employ such Surveyors, Accountants and Clerks as to them shall seem fit, and incur such other charges and make such disbursements from the said Foras Land Assessment Fund as may be necessary for executing the provisions of this Act.

Commissioners may grant receipts for the Assessment, but such receipts not to affect the title to the Land.

XVI. The Commissioners may receive any portion of the assessment from any person, but any receipt granted by them for the same shall not affect the title to any lands in respect whereof the same shall have been paid; and, when the said Foras Land Assessment Fund, or such portion thereof as to the said Commissioners shall seem adequate, shall have been recovered, the said Commissioners shall redeem the certificates on demand by the holders thereof.

Surplus raised by distress and sale of Lands, how to be disposed of.

XVII. When, on the sale of any land or goods for satisfaction of any assessment, more money shall be raised than is required to pay the amount to be levied, the Commissioners

shall pay the overplus to such person or persons as shall appear to them to have been entitled to the land or goods sold; or, if they are doubtful to whom they should pay the same, may pay such overplus to the Accountant General of the said Supreme Court and any persons claiming to be entitled thereto may sue for and recover the same, by such proceeding in the said Supreme Court as the said Court shall direct.

Person better entitled shall recover money paid from the recipients, not from the Commissioners.

XVIII. The Commissioners shall not be liable for the amount so paid to any person, in case another person having better title thereunto shall afterwards appear, but the same may be recovered from the party who received the same or his representatives at the suit of the person entitled thereunto.

Certificates to be transferable.

XIX. The said certificates shall be transferable by endorsement.

Commissioners may grant warrant for delivery of Lands to officers of Government.

XX. The said Commissioners, at any time after the said first day of July, may grant a warrant to any person or persons to take and deliver to the officers of the Bombay Government any of the lands mentioned in the said plan No. 2, which warrant shall confer on such person or persons the same powers and rights which the Sheriff has for executing a writ of possession issued by the said Supreme Court.

Commissioners with written consent of Government may alter plans, but plans in Secretaries' office to be deemed authentic.

XXI. The said Commissioners, with the consent of the Governor of Bombay in Council, to be signified in writing upon the said plan No. 2, under the hand of one of the Secretaries to the Government of Bombay, at any time before the completion of the assessment, may alter the plan No. 2, lodged with the said Commissioners, and corresponding alterations shall be made in the plan No. 1, lodged with the said Commissioners, and the Governor of Bombay in Council shall thereupon cause the like alterations to be made in the plans deposited in the office of the Secretary to the Government of Bombay; and, if any such alterations shall be so made, the plans so altered shall to all intents and purposes of this Act be considered as the plans referred to by this Act. Provided

always that, if any difference shall at any time appear between the plans deposited with the Commissioners and the plans deposited in the office of the Secretary to the Government of Bombay, the latter shall be deemed the original and authentic plans referred to by this Act.

Commissioner not to be liable to legal proceedings.

XXII. No action at law or other proceeding shall be brought in any Court whatever against any Commissioner under this Act for any thing done or omitted to be done by him as a Commissioner thereunder; and a certificate in writing, under the hand of one of the Secretaries to the Government of Bombay, shall be evidence that any such act or deed of commission or omission complained of was done by the Commissioners in execution of their powers as such Commissioners under this Act.

On the close of the Commission, its records to become records of Government.

XXIII. On the close of the business of the said Commission, the records thereof shall become and be made a record of the Bombay Government.

Unappropriated balance of Foras Fund to be paid to Municipal Fund, and deficiency if any to be paid from Municipal Fund.

XXIV. If, at the closing of the said Commission, there should appear to be any unappropriated balance of the said Foras Land Assessment Fund, the same shall be paid to the Municipal Fund of Bombay; and, if the said Foras Land Assessment Fund should prove insufficient to answer the charges upon it, the deficient amount shall be paid from the said Municipal Fund, upon an order or orders to be signed by the said Commissioners, countersigned by one of the Secretaries to the Government of Bombay.

FIRST SCHEDULE.

Containing the form which may be adopted for the Estimate mentioned in this Act.

No. in Plan.	Quantity in Square Yards.	Value including improvements.

Assessment.

No. in Plan.	Quantity in Square Yards.	Amount of Assessment.

SECOND SCHEDULE.

Containing the form which may be used for summonses for witnesses.

Commission under the Foras Land Act.

You ——— are required to attend the Commissioners on ——— at ——— o'clock the ——— day of ——— to give evidence under the provisions of Act No. VI. 1851.

(Signed) ———

———

———

Commissioners.

THIRD SCHEDULE.

Containing the form which may be used for Certificates.

Foras Land Act VI. 1851.

This is to certify that the holder of this Certificate is a Claimant on the Foras Land Assessment Fund in respect of land taken for public purposes under Act VI. 1851, for the sum of Rupees

(Signed) ———

———

———

Commissioners.

ACT No. VII. OF 1851.

Repealed by Act X. 1861.

GENERAL.

ACT No. VIII. OF 1851.

1. *Acts II. 1837, and VIII. 1838, repealed.*

2. *Presidency Governments may cause Tolls to be levied on any road or bridge made or repaired by Government and may appoint Toll Collectors.*

3. *In case of non-payment on demand, Toll Collectors may seize the carriage or animal or its burden, and after 24 hours the Toll Superintendent may sell the same after notice. Property to be released on sufficient tender being made.*

4. *No Exemption from Toll except in favor of Troops on march or Police on duty.*

5. *Police Officers empowered and bound to assist Toll Collectors.*

6. *Penalty of 6 months' imprisonment or fine of Rs. 200, on unauthorized person demanding Toll, or authorized person guilty of unlawful extortion. Such penalty not to bar civil remedy.*

7. *Table of Tolls and penalties in English and Vernacular Languages to be conspicuously put up near Toll-gate.*

8. *Tolls to be public revenue, but the net proceeds to be applied to the Roads and Bridges of the Presidency.*

An Act for enabling Government to levy Tolls on Public Roads and Bridges.

Whereas it is expedient to enable Government to levy Tolls upon Roads and Bridges, It is enacted as follows:

Acts II. 1837, and VIII. 1838, repealed.

I. Acts II. of 1837 and VIII. of 1838 are repealed, but not so as to revive any Regulation or Act thereby repealed.

Government may cause Tolls to be levied on any road or bridge made or repaired by Government, and may appoint Toll Collectors.

II. The Governor of the Presidency of Fort William in Bengal, the Lieutenant-Governor of the North-Western Provinces of Bengal, the Governor of the Presidency of Fort St. George in Council, and the Governor of the Presidency of Bombay in Council, may cause such rates of Toll, not exceeding the rates mentioned in the Schedule annexed to this Act, as they respectively think fit, to be levied upon any road or bridge which has been, or shall hereafter be made or repaired at the expense of the Government; and may place the collection of such Tolls under the management of such persons as may appear to them proper: and all persons employed in the management and collection of such Tolls shall be liable to the

same responsibilities, as would belong to them if employed in the collection of the Land Revenue.

For non-payment on demand, Toll Collectors may seize the carriage or animal or its burden may be seized and after 24 hours sold. Property to be released on sufficient tender being made.

III. In case of non-payment of any such Toll on demand, the Officers appointed to collect the same may seize any of the carriages or animals on which it is chargeable, or any part of their burden of sufficient value to defray the Toll; and if any Toll remains undischarged for twenty-four hours, with the cost arising from such seizure, the case shall be brought before the Officer appointed to superintend the collection of the said Toll, who may sell the property seized for discharge of the Toll, and all expenses occasioned by such non-payment, seizure and sale, and cause any balance that may remain to be returned, on demand, to the owner of the property; and the said Officer, on receipt of the property, shall forthwith issue a notice that, at noon of the next day, exclusive of Sunday or any close holiday, he will sell the property by auction. Provided that, if, at any time before the sale has actually begun, the person whose property has been seized shall tender the amount of all the expenses incurred, and of double the Toll payable by him, the said Officer shall forthwith release the property seized.

No Exemption from Toll except in favor of Troops on march or Police on duty.

IV. No Tolls shall be paid for the passage of Troops and Military Stores and Equipages on their march, or of Police Officers on duty, or of any person or property in their custody: but no other exemption from payment of the Tolls levied under this Act shall be allowed.

Police Officers empowered and bound to assist Toll-Collectors.

V. All Police Officers shall be bound to assist the Toll Collectors, when required, in the execution of this Act; and, for that purpose, shall have the same power which they have in the exercise of their common Police duties.

Penalty on unauthorized person demanding Toll or authorized person guilty of unlawful extortion.

VI. Every person other than the persons appointed to collect the Tolls under this Act, who shall levy or demand any Toll on any public road or bridge, or for passing through any bazar situated thereon, and also every person who shall unlawfully and

extortionately demand, or take any other, or higher Toll than the lawful Toll, or under color of this Act seize or sell any property, knowing such seizure or sale to be unlawful, or in any manner unlawfully extort money, or any valuable thing from any person under colour of this Act, shall be liable on conviction before a Magistrate, to imprisonment for any term not exceeding six Calendar months, or to fine not exceeding Two Hundred Rupees, any part of which fine may be awarded by the Magistrate to the person aggrieved : but this remedy shall not be deemed to bar or affect his right to have redress by suit in the Civil Court of the Zillah.

Table of Tolls and penalties in English and the Vernacular to be conspicuously put up near Toll-gate.

VII. A Table of the Tolls authorized to be taken at any Toll-gate or Station shall be put up in a conspicuous place near such gate or station, legibly written or printed in English words and figures, and also in those of the Vernacular language of the district to which shall be annexed, written or printed in like manner, a statement of the penalties for refusing to pay the Tolls and for taking any unlawful Toll.

Tolls to be public revenue, but the net proceeds to be applied to the Roads and Bridges of the Presidency.

VIII. The Tolls, levied under this Act, shall be deemed public revenue ; but the net proceeds thereof shall be applied wholly to the construction, repair and maintenance of roads and bridges, within the Presidency in which they are levied.

SCHEDULE.

On every four-wheeled Carriage on Springs, ...	2 Rupees.
On every two-wheeled Carriage on Springs (except Native Hackeries,)	1 Rupee.
On every Native Hackery on Springs, ...	2 Annas.
On every-four wheeled Carriage without Springs, ...	6 Annas,
On every two-wheeled Carriage without Springs, ...	4 Annas.
On every Cart and Hackery not on Springs, and having wheels of less diameter than three feet six inches, and tyres less in breadth than three inches, ...	8 Annas.
On every Cart and Hackery not on Springs and not having wheels of less diameter than three feet six inches, and tyres less in breadth than three inches, ...	2 Annas.

Buffaloes or Bullocks per head, ...	6 Pie.
On every Elephant, ...	1 Rupee.
On every Camel, ...	4 Annas.
On every Horse, ...	1 Anna.
On every Tattoo, ...	6 Pie.
On every score of Sheep or Goats, ...	2 Annas.
On every herd of Swine per hundred, ...	4 Annas.
On every Mule, ...	3 Pie.
On every Ass, ...	2 Pie.
On every Palanquin or Tonjon with Bearers, ...	1 Rupee.
On every Palna or small Native Palanquin with Bearers, ...	4 Annas.
On every Native Dooly with Bearers, ...	2 Annas.
On every Person carrying a load for hire, ...	2 Pie.

N. B. Animals drawing any Vehicle for which Toll can be demanded are not to be also charged with Toll.

ACT No. IX. OF 1851.

Repealed by Act XIII. 1856.

ACT No. X. OF 1851.

Repealed by Act XXVII. 1860.

ACT No. XI. OF 1851.

BENGAL.

Recites provisions of Act XXX. 1838. Enacts that Register books shall be deposited in office of Magistrate, &c.

For the Custody of Registers of Deeds in the Presidency of Bengal.

Whereas by Act XXX. 1838, provision was made for the establishment of offices for the Registry of Deeds at any Civil stations, under the superintendence of any officer resident at such stations whom Government may nominate for that purpose, and whereas the deposit of such registers among the records of the Dewanny Adawlut, as required by the Regulation XXXVI. 1793, of the Bengal Code and other Regulations cited in the said Act is inconvenient, It is enacted as follows :

The Register Books of offices established under Act XXX. 1838 shall be deposited, in the Lower Provinces of the Presidency of Bengal, among the records of the Magistrates or Joint-Magistrates, and, in the North-Western Provinces of the said Presidency, among the records of the Collectors of the stations where such offices have been, or shall be hereafter established.

MADRAS.

ACT No. XII. OF 1851.

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1. *All assessable lands not assessed to be assessed at rates customary for similar lands.*

2. *No lakhiraj tenure to be held valid, unless of* 60 *years' standing or from the British Government.*

3. *Collector to determine rate of assessment, subject to appeal within* 6 *months to the Board.*

4 -6. *Collector may order land to be measured for certain purposes, and may order abatement of assessment, if the land or measurement be found less ; increase, if it be found more.*

7. *Collector may levy assessment by distress and sale under Act VII.* 1847, *and IX. of* 1850.

8. *Assessment paid by under-tenant may be deducted from his landlord's rent.*

9. *Claim for land revenue or rent to have priority over all other claims.*

10. *Distress not to be stayed, unless the amount claimed be deposited.*

11. *Limitation not to operate till after* 6 *years from due date or date of written acknowledgment.*

12. *In case of claim to hold land lakhiraj, Collector to enquire and report to Board. Board's order, if in favor of claim, to be final ; but if against it, may be contested in Civil Court.*

13. *Penalty of Rs.* 500 *for obstructing Collector.*

14. *Penalty of Rs.* 200 *for contempt; subject to appeal.*

15. *Collector to act under control.*

16. *Ground rents to be deemed Revenue within Stat.* 21, *Geo. III. Cap.* 70, *and to be beyond jurisdiction of the Supreme Court.*

17. *Actions against Revenue Officers for things done under this Act to be tried in the Zillah Court of Chingliput and not after* 6 *months.*

18. *Interpretation.*

An Act for securing the Land Revenue of Madras.

Whereas it is expedient that the land revenue accruing due to the East India Company at Madras, within the limits of

the Town of Madras as defined in Section 12, Regulation II. of 1802, of the Madras Code, should be ascertained and collected in as summary a manner as in other parts of the territories under the Government of the East India Company, It is enacted as follows :—

All assessable lands not assessed to be assessed at customary rates.

I. All assessable lands not the property of the East India Company, within the limits of the Town of Madras, as defined in Section 12, Regulation II. of 1802, of the Madras Code, of which the rate of assessment is not known, or which have not heretofore been assessed, shall be assessed at the rates customarily charged upon lands of a similar description in the neighbourhood, according as they may be situated respectively within or without the walls of Black Town.

No lakhiraj tenure to be held valid, unless of sixty years' standing or from the British Government.

II. Lakhiraj tenures of land in Madras, of which uninterrupted possession has been held under alleged grants, exempt or partially exempt from assessment for sixty years, shall be valid: no other lakhiraj tenures of land in Madras shall be deemed valid: unless the same are or shall be held under an unexpired grant from the British Government.

Collector to determine rate of assessment, subject to appeal within 6 months to the Board.

III. The Collector of Madras shall determine the rate of assessment to be laid on assessable land under Section 1 of this Act, with reference to the rate assessed upon other land of a similar description in the neighbourhood, subject to an appeal to the Board of Revenue, to be made within six months from the notification by the Collector of the assessment fixed by him. The decision of the Board of Revenue upon such appeal shall be final.

Collector may order land to be measured for certain purposes and may order abatement of assessment, if the land or measurement be found less; increase, if it be found more.

IV. The Collector may order any assessable land, or land already assessed, or charged with a rent payable to the East India Company, to be measured for the purpose of determining the amount of assessment to be imposed, or, in the case of land already assessed or charged with a rent, for the purpose of ascertaining whether the actual dimensions, and the dimensions upon which the amount of assessment or rent was calculated, correspond.

V. Whenever, upon the measurement of any land under the preceding Section, it shall be found that the dimensions upon which the amount of assessment or rent was calculated exceed the actual dimensions, a proportionate abatement shall be made for the excess, on the demand of the party entitled to claim it.

VI. On the other hand, when the actual dimensions exceed the dimensions upon which the amount of assessment or rent was calculated, the excess shall be charged at the same rate as the rest of the land, the possession being left undisturbed. Provided that, when it shall appear that the excess has been caused by the surreptitious usurpation of ground belonging to another tenure, the act of the Collector in assessing it shall not prejudice the holder of such other tenure in any effort he may make to recover the ground usurped from it. An appeal shall lie to the Board of Revenue against any extra assessment or additional rent charged by the Collector for excess by measurement under this Section, if preferred within six months from the date of the Collector's order. Upon such appeal the decision of the Board of Revenue shall be final.

Collector may levy assessment by distress and sale under Act VII. 1847, and IX. of 1850.

VII. If any owner of assessed land, or any person holding land subject to a rent payable to the East India Company, shall upon the written demand of the Collector refuse or neglect to pay any sum at which the land is assessed, or with which it is charged as rent, the Collector may levy the same by distress and sale of the goods and chattels, wherever found, of such owner or lessee; or, after written demand upon the tenant or occupier, and on his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any goods and chattels found upon the land, in the manner appointed for regulating distresses for small rents in Calcutta by Act VII. of 1847, extended to Madras by Section 89, Act IX. of 1850, and for the purpose of any such distress and sale, the Collector shall have all the powers of a Judge of the Court of Small Causes under Section 89, Act IX. of 1850, aforesaid; and the Collector shall have power to appoint any of his Officers

to perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court, as provided by the said Act VII. of 1847, and all the provisions of the said Act relating to the Commissioners for the recovery of small debts and their Court shall be deemed to apply to the said Collector and his Office in the execution of this Act.

VIII. In the case of payment by any tenant or occupier not holding immediately under the East India Company, or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

Payment by tenant may be deducted from landlord.

IX. The claim of the East India Company for land revenue or rent has priority over all other claims upon the land, or to which property distrained upon the land may be liable.

Priority.

X. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

Stay of Distress.

XI. Arrears of rent or revenue due to the East India Company are recoverable within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable, or his agent, and not afterwards.

Limitation.

XII. When a claim to hold land lakhiraj, or fee of assessment, shall be set up under this Act, the Collector shall inquire into the claim; taking such evidence as the claimant may offer, or the public records supply; and shall report his proceedings in the case for the consideration of the Board of Revenue. If the Board of Revenue are satisfied of the validity of the claim, they shall make an order accordingly, and such order shall be final. If they are not satisfied of the validity of the claim, they shall direct the Collector to assess the land, leaving the claimant to contest the Collector's demand in the Civil Courts, as herein provided.

Collector to report to the Board, and Board's order to be final.

Obstructing Collector.

XIII. Any person, obstructing or molesting the Collector or any of his subordinate officers in the execution of their duty, shall, on conviction before a Magistrate of the Town of Madras, be liable to a fine not exceeding Five Hundred Rupees; and, in default of payment, to imprisonment in the common gaol for a term not exceeding six months, or until the fine is sooner paid.

Contempt.

XIV. The Collector may punish any contempt committed in his presence in open cutcherry or office, by fine not exceeding Two Hundred Rupees, and, in default of payment, by inprisonment in the common gaol for a term not exceeding one month. From every such order of fine or imprisonment an appeal shall lie to the Board of Revenue, whose decision shall be final.

Collector to act under control.

XV. The Collector shall act in the execution of this Act, under the usual control of the superior revenue authorities.

Ground rents to be held Revenue.

XVI. The ground rents payable to the East India Company from lands in Madras are revenue within the meaning of the Act of Parliament, 21 Geo. III. Cap. 70; and the Supreme Court of Judicature established by Royal Charter at Madras has not any civil jurisdiction concerning the said ground rents, or concerning any thing ordered or done in the assessment of collection thereof.

Actions under this Act to be tried in the Zillah Chingleput.

XVII. All actions concerning any trespass or injury committed by any revenue officer, acting under color of this Act, or concerning any claim in respect of any goods taken by, or any monies paid to, any revenue officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts established by the East India Company, in the Zillah of Chingleput, notwithstanding that the cause of action in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Madras, and every such action shall be brought within six months after the cause of action arose, and not afterwards.

XVIII. The words "Collector" and "Board of Revenue" used in this Act shall be taken to mean any person or persons lawfully appointed to exercise the powers vested in the Collector and Board of Revenue respectively under this Act. **Interpretation.**

ACT No. XIII. OF 1851.

GENERAL.

Repeals so much of S. 3 of Act V. 1851 as directs payment to be made of debts mentioned in Schedules B. and D.

An Act to amend Act No. V. of 1851.

Whereas, by Section 3 of Act No. V. of 1851, it was among other things enacted, that the Accountant-General of Bengal was authorized and required from time to time to direct the Sub-Treasurer to pay, and the Sub-Treasurer should thereupon pay, out of the monies of the East India Company in his custody, such sums as would be sufficient to pay off and discharge to such persons as should appear to be entitled thereunto as the lawful representatives of the Intestates and others named in the Schedules A. B. C. D. annexed to the Report therein mentioned, the several principal sums of money which, upon the final adjustment of the accounts of their several claims and estates, should appear to have been due to them respectively from Sir Thomas Turton, on the 25th day of February, 1848, and to be then still due and unsatisfied; And whereas the Court of Directors of the East India Company, acting in pursuance of the power and authority to them given and reserved by the 44th Section of an Act of Parliament, passed in the 4th year of the reign of his late Majesty King William the Fourth, entituled "An Act for effecting an arrangement with the East India Company, and for the better government of His Majesty's Indian Territories till the 30th day of April 1854," have signified to the Governor-General in Council their disallowance of so much of the said third Section of Act No. V. of 1851, hereinbefore recited, as relates to the payment and discharge to the lawful representatives of the Intestates

and others named in the said Schedules B. and D. of the several principal sums of money therein mentioned; It is enacted as follows;

I. So much of the 3rd Section of Act No. V. of 1851, hereinbefore recited, as relates to the payment and discharge to the lawful representatives of the Intestates and others named in the said Schedules B. and D. of the several principal sums of money therein mentioned, is hereby repealed.

THE STRAITS.

ACT No. XIV. OF 1851.

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1. *Local Regulations II. IV. V. of* 1830, *and General Reg. IV.* 1831, *and Act V.* 1839, *and Reg. X.* 1833, *repealed.*

2. *The exclusive right of making Chandoo, &c., or Spirituous Liquors and Arrack, and of retailing each of the same, and of selling Toddy and Bang, to be vested in licensed persons.*

3. *Such licensed persons to be respectively called Opium Farmers, Spirit Farmers, Toddy Farmers.*

4. *The number of licensed houses, together with the rules and penalties to which they shall be subject, shall be fixed by the Governor or authorized Officer.*

5. *Superintendent of Police to grant licenses and cancel them. Fees for licenses. Penalty of* 50 *Dollars for keeping such house without license.*

6. *Penalty of* 25 *Dollars on licensed Farmer selling or exchanging Opium, &c., for other than the current coin.*

7. *Penalty of* 60 *Dollars on any person paying servant or laborer in Opium, &c.*

8. *Repealed.*

9. *Penalty of* 50 *Dollars on registered Farmer allowing persons with offensive weapons to be in the house.*

10. *Penalty of* 100 *Dollars for making, importing, selling, or possessing without license any Chandoo, &c. Severer penalties for second, and subsequent offences. Chandoo, &c. to be forfeited.*

11. *Penalty of* 100 *Dollars upon unlicensed person selling, or any person buying from him less than one chest of raw Opium. Such raw Opium to be confiscated. Severer penalties for second and subsequent offences.*

12. *Act not to apply to the sale of Opium for Medicinal purposes.*

13. *Penalty of* 400 *Dollars beside forfeiture for importing or possessing, except for exportation, less than one chest of raw Opium.*

14. *Person arriving in a ship with any Chandoo &c., or less than one chest of raw Opium, to give notice and apply for permit to land the same, under penalty of* 200 *Dollars and forfeiture.*

15. *Penalty of* 400 *Dollars and forfeiture on unlicensed person exporting Opium by land.*

16. *Course to be pursued by person desirous of exporting by sea less than one chest of Opium.*

17. *Penalty of* 50 *Dollars besides forfeiture upon person receiving, but not forthwith acting upon, permit for exportation of Opium in small quantities.*

18. *Penalty of* 100 *Dollars besides forfeiture on unlicensed person making, or possessing Chandoo, &c., for smoking on board ship.*

19. *Penalty of* 100 *Dollars and forfeiture on person selling, buying, or possessing on board ship less than one chest of raw Opium.*

20. *Any Justice on sworn information may issue warrant in Form A to search for and seize Opium, &c., or persons found in the possession thereof on board ship.*

21. *Penalty of* 100 *Dollars on unlicensed sale of Tye Chandoo.*

22. *Penalty of* 100 *Dollars on registered Shop-keeper selling or possessing Opium, &c., not bought from the Farmer.*

23. *Course to be pursued by person desirous of importing Spirituous Liquors, &c.*

24. *Penalty of* 100 *Dollars, and forfeiture on person selling, except for exportation, any Spirituous Liquors in less than specified quantity.*

25. *Penalty of* 50 *Dollars and forfeiture on unlicensed person removing Spirituous Liquors, &c., from one building or person to another without written permit.*

26. *Spirit Farmer to forfeit* 100 *Dollars for refusing permit without good cause.*

27. *Spirit Farmer may obtain warrant for entering between* 8 A. M. *and* 5 P. M. *premises containing Spirituous Liquors, &c.*

28. *Registered Tavern-keepers may sell Spirituous Liquors to be drunk on the premises.*

29. *But not unless bought from the Spirit Farmer.*

30. *Penalty of* 50 *Dollars for selling or delivering Spirituous Liquors, &c., to any Soldier.*

31. *Penalty of* 400 *Dollars upon any person selling adulterated Spirits, &c.*

32. *License to be granted, on written application and payment of Fee, to a manufacturer of Sugar, desirous of having at his Factory a Distillery for Spirits.*

33. *Penalty of* 100 *Dollars and forfeiture on licensed Distiller selling to any person other than the Farmer, or delivering for exportation less than a specified quantity.*

34. *Penalty of 100 Dollars besides forfeiture on every unlicensed person distilling Spirits, or having any still in his possession except for scientific purposes.*

35. *Penalty of 100 Dollars upon every unlicensed person distilling Samsoo, &c.*

36. *Penalty of 100 Dollars besides forfeiture for landing Samsoo, except for sale to Spirit Farmer.*

37. *Spirits, &c., for the use of Her Majesty's Government to be exempt from the Act.*

38. *Penalty of 100 Dollars besides forfeiture for unlicensed persons selling Toddy on Bang to any person other than the Toddy Farmer.*

39. *Penalty of 50 Dollars on person found in possession of Toddy or Bang not bought from the Farmer.*

40. *Penalty of 50 Dollars and forfeiture on registered shop-keeper, selling or possessing Toddy or Bang not bought from the Farmer.*

41. *Penalty of 50 Dollars for selling and delivering to any Soldier Toddy or Bang without written authority.*

42. *Licensed fees for shops to be paid to the Farmers. All fines, &c., or balance thereof to be paid to the Municipal Fund.*

43. *Justice may issue a search warrant for Articles subject to forfeiture to be executed by day by Peace or Revenue Officer, but by night always by Peace Officer.*

44. *Peace or Revenue Officer may arrest without warrant any person found committing a breach of this Act or reasonably believed to have on his person contraband articles.*

45. *Penalty of 50 Dollars for malicious arrest by Peace or Revenue Officer.*

46. *Revenue Officer not to act under this Act except under special authority registered at the Police Office.*

47. *Penalty of 200 Dollars on Farmer taking a bribe directly or indirectly for compromising a breach of this Act.*

48. *How penalties may be imposed and how realized.*

49. *Convictions to be in Form F, would not be quashed for want of form. Warrant of commitment not to be held void if there be a valid conviction.*

50. *Dependencies of the Stations respectively to be held included in this Act.*

51. *Act to take effect from 1st May, 1852.*

An Act for consolidating the laws for collecting a Revenue of Excise on Spirituous Liquors and Intoxicating Drugs in the Settlement of Prince of Wales' Island, Singapore and Malacca.

Whereas it is expedient to make better provision for the collection of a Revenue of Excise upon Opium, Chandoo, Tod-

dy and Bang, Arrack and Spirits, and the granting of Excise Licenses for the sale of the said Articles by retail within the Settlement of Prince of Wales' Island, Singapore and Malacca, It is enacted as follows:

Laws repealed.

I.* Regulations II., IV., and V. of 1830, passed by the Governor of Prince of Wales' Island, Singapore and Malacca in Council, Regulation IV. of 1831 and Act No. V. of 1839, passed by the President of the Council of India in Council, and Regulation X. of 1833, passed by the Governor-General of India in Council are repealed.

The exclusive right of making Chandoo, &c., or Spirituous Liquors and Arrack, and of retailing each of the same, and of selling Toddy and Bang to be vested in licensed persons.

II. The exclusive right of making Chandoo or other preparation of Opium for smoking, and of retailing Chandoo, or Opium in smaller quantities than one chest; and the exclusive right of retailing Spirituous Liquors and Arrack in less quantities than One Hundred and Sixty Gallons, and of making and distilling Arrack and Spirituous Liquors; and the exclusive right of selling Toddy and Bang within the Settlement of Prince of Wales' Island, Singapore and Malacca, shall be vested from time to time in such persons as the Governor, or other Chief Civil Authority of the said Settlement, or such public Officer by him thereto authorized, may license for that purpose, on such conditions as may be determined, either by public or private sale of such exclusive rights.

Such licensed persons to be respectively called Opium Farmers, Spirit Farmers, Toddy Farmers.

III. Any person, in whom the exclusive right of making Chandoo or other preparation of Opium for smoking, and of retailing Opium in smaller quantities than one chest shall be vested, shall be called the "*Opium Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be;" and the person, in whom the exclusive right of retailing Spirituous Liquors and Arrack in less quantities than One Hundred and Sixty Gallons, and of making and distilling Arrack and Spirituous Liquors shall be vested, shall be called the "*Spirit Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be;" and the person, in whom the exclusive right of selling Toddy and Bang shall be vested, shall be

called the "*Toddy Farmer* of Prince of Wales' Island, or of Singapore, or of Malacca, as the case may be."

The number of licensed houses, and the rules and penalties to which they shall be subject, how to be fixed.

IV. The number of Houses or Shops to be severally registered under this Act for the retailing, or smoking of Chandoo or prepared Opium, and for retailing Spirituous Liquors and Arrack, and for the retail of Toddy or Bang, within the said Settlement and places, shall be determined from time to time by the Governor or other Chief Civil Authority of the said Settlement, or by such public Officer or Officers as he may authorize for that purpose; and the said Houses or Shops shall, as regards their situation and hours for opening and closing, be subject to such Rules and penalties as the said Governor or other Chief Civil Authority shall, from time to time, make in that behalf.

Superintendent of Police to grant licenses and cancel them. Fees for licenses.

V. The Superintendent of Police at each of the Stations of Prince of Wales' Island, Singapore and Malacca, shall grant to the keeper of every such House or Shop a License, which shall contain the name of the keeper or keepers, and the situation of the House or Shop, and shall be registered in the Police Office of the Station in which the same shall be granted; for which grant and registration the following Fees shall be paid, that is to say, for an Opium House, Three Dollars; for a Tavern, Five Dollars; for an Eating House or Spirit Shop, Three Dollars; for a Toddy Shop, Two Dollars: and every such License may be recalled and cancelled by the Superintendent of Police with the sanction of the chief local authority as occasion shall appear to him to require: and every person who shall open or keep such House or Shop, without having first obtained and registered such License, shall forfeit a penalty not exceeding Fifty Dollars.

Penalty on licensed Farmer selling Opium, &c., for other than the current coin.

VI. Every Farmer under this Act, and every keeper of any House or Shop registered under this Act, who shall sell or exchange Opium, prepared or unprepared, Spirituous Liquor or Arrack, Toddy or Bang, otherwise than for the Coin usually current within the said Settlement, shall forfeit a penalty not exceeding Twenty-five Dollars.

VII. Every person within the said Settlement, who shall deliver to any servant or labourer any Opium prepared or unprepared, Spirituous Liquor or Arrack, Toddy or Bang, in consideration of wages or hire due to such servant or laborer, or on any account whatsoever, shall forfeit a penalty not exceeding Fifty Dollars.

Penalty for paying servant or laborer in Opium, &c.

VIII. *Repealed by XIII.* 1856.

IX. Every keeper of any House or Shop registered under this Act, who shall knowingly allow any person to be therein, with any kind of Arms or offensive Weapon upon his person, shall forfeit a penalty not exceeding Fifty Dollars.

Penalty for allowing persons with offensive weapons to be in registered house or shop.

X. Every person, other than the Opium Farmer of the Station, who shall make Chandoo or any other preparation of Opium for smoking within the said Settlement, or who shall import thereto any Chandoo or Opium prepared elsewhere for smoking, or who shall sell or offer for sale or purchase, or who shall knowingly have or receive into his or her possession any such Chandoo or other preparation of Opium for smoking, shall forfeit, for the first offence, a penalty not exceeding One Hundred Dollars; for the second offence, shall forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, forfeit a penalty not exceeding Four Hundred Dollars: and all such contraband Chandoo or other preparation of Opium, and the receptacles in which the same is contained, and all vessels and utensils, which have been, or are plainly intended to be used in making Chandoo or any other preparation of Opium, shall be seized and forfeited.

Penalty for making, &c., without license any Chandoo, &c. Chandoo, &c., to be forfeited.

XI. Every person other than the Opium Farmer, who shall sell or offer for sale, and also every person who shall buy from any person other than the Opium Farmer, any quantity of raw Opium less than one chest, save for exportation, shall forfeit, for the first offence, a penalty not exceeding One Hundred Dollars; for the second offence, forfeit a penalty not exceeding Two Hundred Dollars; and for every subsequent offence, for-

Penalty for unlicensed buying or selling of less than one chest of raw Opium. Such Opium to be confiscated.

feit a penalty not exceeding Four Hundred Dollars: and all such raw Opium shall be seized and forfeited.

Act not to apply to sale for Medicinal purposes.

XII. The foregoing provisions of this Act shall not apply to the sale of Opium for medicinal purposes by recognized Medical Practitioners, Chemists and Druggists.

Importing or possessing except for exportation, less than one chest of raw Opium.

XIII. Every person who shall import into the said Settlement any raw Opium in less quantity than one chest, or have in his possession, custody or control, any raw Opium in less quantity than one chest, unless for the purpose of being exported, shall forfeit a penalty not exceeding Four Hundred Dollars: and all such raw Opium so imported or found shall be seized and forfeited.

Person arriving in a ship with any Chandoo, &c. or less than one chest of raw Opium to give notice and apply for permit to land the same.

XIV. Every person arriving in any vessel at any of the Ports or Harbours of the said Settlement, who may have on board any Chandoo, or other preparation of Opium, or any raw Opium, in less quantity than one chest, shall, within twenty-four hours after such vessel shall have come to anchor, give notice thereof to the Opium Farmer, and shall apply to the Registrar of Imports and Exports, or his Deputy, for a permit to land or deposit the said Opium, Chandoo, or other preparation of Opium in his office, and on obtaining such permit shall forthwith land and so deposit the same, where it shall remain till re-exported, unless the same shall be sold to the Opium Farmer. Any person having on board such Opium, Chandoo, or other preparation of Opium as above described, and failing to give notice, or otherwise not complying with the provisions of this Section, shall forfeit a penalty not exceeding Two Hundred Dollars, and the Opium, Chandoo, or other preparation of Opium, shall be seized and forfeited.

Penalty for exporting Opium by land without license.

XV. Every person other than the Opium Farmer, who shall export any Opium by land from the said Settlement, shall forfeit a penalty not exceeding Four Hundred Dollars: and the Opium, and vessels and conveyances in which it is contained, shall be seized and forfeited.

Course to be pursued by person desirous of exporting by sea less than one chest of Opium.

XVI. Every person, who shall be desirous of exporting by Sea, or of selling for exportation by Sea, raw Opium in any quantity less than one chest, shall deposit a chest containing the customary quantity in the office of the Registrar of Imports and Exports; and whenever such person shall apply for any portion of such Opium to be delivered to him or to any purchaser thereof for exportation, he shall deliver to the Registrar of Imports and Exports or his Deputy a written Bill of Entry in duplicate, expressing the quantity of Opium that is to be exported, and the name of the person who is about to export the same, and of the vessel, and of the master, and of the place to which the same is to be exported, and having also, in case the Opium mentioned therein is to be sold for exportation, the name of the purchaser written on the back thereof; and the said Registrar, or his Deputy, shall thereupon cause the quantity of Opium specified in the Bill of Entry to be taken out of such chest and delivered to the person who is to export the same, and shall deliver to such person one of the copies of such Bill of Entry, signed by the said Registrar or his Deputy, and having the hour upon which the same shall be so delivered marked thereon; and the Bill of Entry so signed shall be the exporter's Permit to export the said Opium; and such chest shall remain in the custody of the said Registrar or his Deputy, until all the Opium contained therein shall have been exported or sold, when the chest shall be destroyed: and every person, who shall commit a breach of any of the provisions contained in this Section, shall forfeit a penalty not exceeding One Hundred Dollars.

Penalty for receiving, but not forthwith acting upon, permit for exportation of Opium in small quantities.

XVII. Every person who shall receive any such Permit as aforesaid for the exportation by Sea of any quantity of Opium less than one chest, and who shall not, upon receiving the same, forthwith cause such Opium to be conveyed to and placed on board of the vessel mentioned in such Permit, shall forfeit a penalty not exceeding Fifty Dollars, and the Opium, and the vessels and conveyances in which it is contained, shall be seized and forfeited.

Unlicensed making, or possessing of Chandoo, &c., for smoking on board ship.

XVIII. Every person, not thereunto authorized under this Act, who shall make Chandoo or other preparation of Opium for smoking on board of any vessel anchored or being within the limits of the jurisdiction of the Court of Judicature of the said Settlement, or in whose possession any such Chandoo or prepared Opium shall be found on board of such vessel, shall forfeit a penalty not exceeding One Hundred Dollars, and all such Chandoo or prepared Opium so made or found shall be seized and forfeited.

Selling, buying or possessing on board ship less than one chest of raw Opium.

XIX. Every person, who shall sell or buy or have in his possession, save for the purpose of exportation under Section 16 of this Act, on board any vessel anchored, or being within limits of the jurisdiction aforesaid, any raw Opium in a less quantity than one chest, shall forfeit a penalty not exceeding One Hundred Dollars: and all such raw Opium so sold or bought shall be seized and forfeited.

Justice may issue warrant in Form A to search for and seize Opium, &c, and persons found in the possession thereof on board ship.

XX. Any Justice of the Peace within the said Settlement, upon the information upon oath of any person, that he has good cause to believe that there is on board of any vessel, anchored or being within the limits of the jurisdiction aforesaid, any contraband Opium or Chandoo or raw Opium, may issue his Warrant, in the form of Schedule (A) to this Act annexed, or to the like effect, authorizing the Opium Farmer, or any Revenue Officer duly appointed under this Act, or any Peace Officer to go on board of such vessel, and to make search for, and to seize such Opium or Chandoo, and to bring the offender or offenders in whose possession, custody or control the said contraband Opium or Chandoo or raw Opium shall be found before a Justice of the Peace, to be dealt with according to this Act.

Penalty on unlicensed sale of Tye-Chandoo.

XXI. Every person, other than the Opium Farmer or keeper of a registered Opium Shop, who shall sell Tye-Chandoo or Opium-Dross mixed with Opium, shall, for the first offence, forfeit a penalty not exceeding One Hundred Dollars; for the second offence, shall forfeit a penalty not exceeding

Two Hundred Dollars; and for every subsequent offence, shall forfeit a penalty not exceeding Four Hundred Dollars.

Registered Shop-keeper selling or possessing Opium, &c., not bought from the Farmer.

XXII. Every keeper of a Registered Opium Shop who shall sell, or have in his possession, any Opium or Chandoo other than such as shall have been bought from the Opium Farmer, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars.

Course to be pursued by person desirous of importing Spirituous Liquors, &c.

XXIII. Every person, other than the Spirit Farmer of the Station, who shall import into the said Settlements any Spirituous Liquor or Arrack, shall, before landing such Spirituous Liquor or Arrack, or any part thereof, deliver to the Spirit Farmer a Bill, in which shall be specified the name of the vessel, the quantity and kind of the Liquor and the place where the same is intended to be stored; and, if such Liquor is intended to be used or consumed in the house of the importer, he shall, at the same time, pay or secure to the Spirit Farmer, the sum of Fifty Cents for every gallon of such Liquor, or if in bottles, the sum of Fifty Cents for every four quart bottles, and a proportionate rate for any quantity less than one gallon, or less than four quart bottles so to be landed; and the Spirit Farmer shall thereupon in either case, if the application is made between the hours of six in the morning and six in the evening, deliver to such person a written Permit to land the same; and every person who shall land any such Liquor without having first delivered such Bill, and paid or tendered such sum when payable, and also every Spirit Farmer, who shall refuse to give such Permit without good cause shown, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars, and all such Liquor landed contrary to the provisions of this Section, and the vessels and conveyances in which the same is contained, shall be seized and forfeited.

Penalty for selling, except for exportation, any Spirituous Liquors in less

XXIV. Every person, other than the Spirit Farmer or a person duly licensed as hereinafter mentioned, who shall sell within the Settlement of Prince of Wales' Island, Singapore

than specified quantity.

and Malacca, otherwise than for exportation, any Spirituous Liquor or Arrack in a less quantity than one hundred and sixty Imperial Gallons, or, if sold in bottles, in a less quantity than fifty dozens of quart bottles, without first tendering and paying to the Spirit Farmer a sum of Fifty Cents for every Gallon, or for every four quart bottles of such Spirituous Liquor or Arrack, and a proportionate rate for any quantity less than one gallon, or less than four quart bottles, shall forfeit a penalty not exceeding One Hundred Dollars, and all such Spirituous Liquor or Arrack, and the vessels in which the same is contained, shall be seized and forfeited.

Removal of Spirituous Liquors, &c., from one building or person to another without written permit.

XXV. Every person other than the Spirit Farmer, who shall remove or cause to be removed any Spirituous Liquor or Arrack from one house, shop, godown, or other building to another, or from the possession of one person to that of another, without having first obtained from the Spirit Farmer a written Permit, hereinafter described, to remove the same, shall forfeit a penalty not exceeding Fifty Dollars: and all such Spirituous Liquor or Arrack so removed, and the vessels in which the same is contained, shall be seized and forfeited.

Spirit Farmer to forfeit 100 Dollars for refusing permit without good cause.

XXVI. The Spirit Farmer shall, on the application of any person, (if made between the hours of six in the morning and six in the evening,) grant a written Permit for the removal of any Spirituous Liquor or Arrack (provided the same be not sold contrary to the provisions of this Act,) which Permit shall describe the quantity and kind of Liquor required to be removed, and the name of the person about to remove the same, and the places from and to which the same is to be removed, and the time during which such Permit is in force: and every Spirit Farmer who shall, without good cause shown, refuse to grant such Permit, shall forfeit a penalty not exceeding One Hundred Dollars.

Spirit Farmer may obtain warrant for entering between 8 a. m. and 5 p. m. premises containing

XXVII. The Spirit Farmer may enter the warehouse godowns or premises of any person, wherein are kept any Spirituous Liquors or Arrack not contained in bottles, and take

an account of the quantity of such Liquors, and notice any leakage of the same, and guage and otherwise examine the same, at any time between the hours of eight in the morning and five in the evening, upon obtaining a Warrant so to do, under the hand of any Justice of the Peace, which Warrant such Justice is authorized to grant, whenever he shall see cause so to do.

Spirituous Liquors, &c.

Tavern-keepers may sell Spirits to be drunk on the premises.

XXVIII. The keepers of all Taverns duly registered under this Act may sell to the inmates, customers, or frequenters thereof Spirituous Liquors, so that the same be drunk within such Taverns; and every keeper of any such registered Tavern, who shall sell any Spirituous Liquor otherwise than is herein provided, shall forfeit a penalty not exceeding Fifty Dollars.

But not unless bought from the Spirit Farmer.

XXIX. Every keeper of any Eating House or Spirit Shop registered under this Act, who shall serve, supply or sell to the customers, inmates, or frequenters thereof, any Spirituous Liquor or Arrack, other than such as shall have been bought by him from the Spirit Farmer, shall, for every such offence, forfeit a penalty not exceeding Fifty Dollars.

Selling or delivering Spirits, &c., to any Soldier.

XXX. Every Spirit Farmer, and also every keeper of a registered Eating House or Spirit Shop, who shall knowingly sell or deliver to any European or Native Soldier any Spirituous Liquor or Arrack, without having an authority in writing so to do from the Commanding Officer of such Soldier, shall, for every such offence, forfeit a penalty not exceeding Fifty Dollars.

Penalty for selling adulterated Spirits, &c.

XXXI. Every Spirit Farmer or other person, who shall sell or offer for sale any adulterated Spirits or Spirits distilled from Neepa, shall forfeit for every such offence, a penalty not exceeding Four Hundred Dollars.

License to a Manufacturer of Sugar, for a Dis-

XXXII. From the passing of this Act, whoever, being a Manufacturer of Sugar in the said Settlements, shall be

tillery for Spirits at his Factory.

desirous of having a Distillery at his Sugar Manufactory, for making, or distilling, or rectifying, or compounding Spirits or Arrack, shall apply in writing, to the Superintendent of Police of the Station or place within which such Sugar Manufactory is situated, for a License, and in such application shall be inserted the name of the applicant, the situation of his Manufactory, and the number and size of the Stills he is desirous of keeping; and the Superintendent of Police shall grant such License, renewable every year under his hand and seal, to the applicant, on payment of a fee of Ten Dollars, and such License shall be registered in the Police Office of such Station or place.

Penalty on licensed Distiller selling except to the Farmer, or delivering for exportation less than a specified quantity.

XXXIII. No licensed Distiller shall be at liberty to sell to any person other than the Spirit Farmer, or to sell, send out of, or deliver from his Distillery, for exportation, any Spirits or Arrack in a less quantity than one hundred and sixty Imperial Gallons, or, if in bottles, in a less quantity than fifty dozens of quart bottles; and every licensed Distiller who shall sell, send out, or deliver from his Distillery, any Spirits or Arrack, (except as aforesaid,) shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars: and all such Spirituous Liquors or Arrack, and the vessels in which the same are contained, shall be seized and forfeited.

Penalty on unlicensed person distilling Spirits, or having a Still in his possession.

XXXIV. Every person other than the Spirit Farmer or a licensed Distiller, who shall make, or distil, rectify, or compound, any Spirits or Arrack, or shall keep or have in his possession any Still or other utensil or apparatus, for distilling, or making, or rectifying, or compounding Spirits or Arrack, shall, for every such offence, forfeit a penalty not exceeding One Hundred Dollars: and all such Spirits or Arrack, and every such Still or other utensil or apparatus shall be seized and forfeited, but nothing contained in this or any other Section shall be construed to extend to distillations for medical or scientific purposes.

Penalty on unlicensed distilling of Samsoo, &c.

XXXV. Every person other than the Spirit Farmer, who shall make or distil Samsoo or Spirits distilled from Rice,

in the said Settlements, or who shall keep or have in his possession any Still or other utensil or apparatus for distilling or making Samsoo, shall forfeit a penalty not exceeding One Hundred Dollars: and all such Samsoo, and every such Still or other utensil or apparatus, shall be seized and forfeited.

XXXVI. No person shall land Samsoo, or Spirits distilled from Rice, in any part of the said Settlements, except for the purpose of selling the same to the Spirit Farmer; and every person who shall land any Samsoo in any part of the said Settlements, except for the purpose of selling the same to the Spirit Farmer, and also every person, who shall sell any Samsoo to any person other than the Spirit Farmer, shall forfeit a penalty not exceeding One Hundred Dollars: and all such Samsoo, and the vessels in which the same is contained, shall be seized and forfeited.

Penalty for landing Samsoo, except for sale to Spirit Farmer.

XXXVII. All Spirituous Liquor or Arrack imported, landed, removed in, or exported from any part of the said Settlement on account of Her Majesty's Government, or the Government of the East India Company, is exempt from the operation of this Act.

Spirits, &c., for the use of Government to be exempt.

XXXVIII. Every owner, renter, or occupier of any land which produces Toddy or Bang, and also every other person, other than the Toddy Farmer and the keepers of the registered Toddy Shops, who shall sell any Toddy or Bang within the said Settlements to any person other than to the Toddy Farmer, shall forfeit a penalty not exceeding One Hundred Dollars, and all such Toddy or Bang shall be seized and forfeited; but this enactment shall not be deemed to forbid Bakers from using in their bread Toddy, the produce of their own estate or plantation.

Penalty for unlicensed sale of Toddy or Bang, except to the Toddy Farmer.

XXXIX. Every person, other than the owners, renters, or occupiers of lands which produce Toddy or Bang, who shall have in his possession any Toddy or Bang, unless the same shall be duly proved to have been bought from the Toddy

Penalty for possession of Toddy or Bang, not bought from the Farmer.

Farmer, or from the keeper of a registered Toddy Shop hereinafter mentioned, shall forfeit a penalty not exceeding Fifty Dollars: and all such Toddy or Bang, and the vessels in which the same is contained, shall be seized and forfeited.

Penalty on registered shop keeper selling or possessing Toddy or Bang not bought from the Farmer.

XL. Every keeper of a registered Toddy Shop, who shall sell to any person, or shall have in his possession any Toddy or Bang, unless the same shall be duly proved to have been bought from the Toddy Farmer, shall forfeit a penalty not exceeding Fifty Dollars: and all such Toddy or Bang, and the vessels in which the same is contained, shall be seized and forfeited.

Penalty for selling or delivering Toddy or Bang to any Soldier.

XLI. Every Toddy Farmer and keeper of a registered Toddy Shop, who shall knowingly sell or deliver any Toddy or Bang to any European or Native Soldier, without having an authority in writing from the Commanding Officer of such Soldier, shall forfeit a penalty not exceeding Fifty Dollars.

License fees for shops to be paid to the Farmers. All fines, &c., to be paid to the Municipal Fund.

XLII. All Fees, received for registering Licenses to keep Opium Shops under this Act, shall be paid to the Opium Farmer for the time being: and all Fees, received for registering Licenses to keep Spirit Shops and Distilleries under this Act, shall be paid to the Spirit Farmer for the time being; and all Fees, received for registering Licenses to keep Toddy Shops for the sale of Toddy and Bang under this Act, shall be paid to the Toddy Farmer for the time being; and all other Fines, penalties or forfeitures whatsoever, received under this Act, shall, after the adjudication at the discretion of the Magistrate of a portion of such fines and penalties to the informer, be paid into the Municipal Fund, established under Act No. IX. of 1848, or that may be established by any future Act, of the station at which such Fines, penalties or forfeitures shall be imposed, to be applied to the general purposes of the said Act.

Justice may issue a search warrant for articles subject to forfeiture: to be executed by day

XLIII. Any Justice of the Peace within the said Settlement may, by his Warrant in the form of Schedule B. to this Act annexed, or to the like effect, directed to any Peace

Officer or Officers within the said Settlement, or to any Revenue Officer or Officers appointed in manner hereinafter mentioned, empower him or them by day or by night (but if between the hours of six o'clock at night and six in the following morning, then such Warrant to be addressed to and executed by, or in the presence of a Peace Officer) to enter and search any Dwelling-house, Shop, or other building, in any case in which there shall appear to such Justice of the Peace, upon the oath of any party, good and sufficient cause to believe that in any such Dwelling-house, Shop, or other building is concealed or deposited any article subject to forfeiture under this Act, and to seize and take possession of any such article found to be concealed or deposited therein: and to arrest and take any person, or persons, being in such Dwelling-house, Shop or building, in whose possession, custody or control any such article may be found, or who, the said Officer or Officers may have good and sufficient reason to suspect, had concealed or deposited therein any such article, and any Officer to whom such Warrant shall be directed may, in case of resistance, break open any door of such Dwelling-house, Shop or other building, and remove by force any other obstruction to such entry, search, seizure and removal as aforesaid.

by Peace or Revenue Officer, but by night always by Peace Officer.

XLIV. If any persons shall be found committing any act in breach of this Act, or if any Peace or Revenue Officer shall have probable cause to believe that any person has concealed upon his person any article subject to forfeiture under this Act, such Peace or Revenue Officer may immediately arrest such person without a Warrant, and shall thereupon immediately take such person before some neighbouring Justice of the Peace, who shall determine if there be reasonable grounds of suspicion, and such Justice may direct such person to be immediately searched: and every person who shall obstruct any such Officer in making any such arrest as aforesaid, and also every Officer who shall not immediately take any person so arrested before a Justice of the Peace, shall forfeit a penalty not exceeding Fifty Dollars.

Arrest without Warrant.

Penalty for maliciously arrest by Officer.

XLV. Every Peace or Revenue Officer, who shall maliciously and without reasonable grounds arrest or detain any person on the plea that such person hath infringed any of the provisions of this Act, shall forfeit a penalty not exceeding Fifty Dollars.

Revenue Officer not to act except under special authority.

XLVI. No Revenue Officer shall be competent to act under the provisions of this Act, unless he shall be appointed specially so to do in writing by the Governor or other Chief Civil Authority of the Station in which such Revenue Officer is required to act, which authority shall be duly registered at the Police Office of such Station, and shall be liable to be annulled at the pleasure of the said Governor or other Chief Civil Authority.

Penalty on Farmer compromising a breach of this Act.

XLVII. Any Farmer named in this Act, who shall either by himself, or by the means of any other person, take from any person who may have committed, or be suspected of having committed a breach of any of the provisions of this Act, any sum of money, or any goods or chattels whatsoever, as a compromise, reward or payment for not prosecuting such person for such offence under this Act, shall forfeit a penalty not exceeding Two Hundred Dollars, a moiety of which may, at the discretion of the Magistrate, be adjudged to the informer.

How penalties may be imposed and how realized.

XLVIII. All penalties under this Act may be imposed on conviction of the offence by confession of the offender, or by the oath of one or more witnesses before two Justices of the Peace, and in case of nonpayment of any penalty imposed or forfeited under this Act, the convicting Justices may issue their warrant of Distress in the form of Schedule C. to this Act annexed, or to the like effect, under their hands and seals, directed to any Peace Officer or Officers, to levy the amount of such penalty by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices; and if no such property shall be found within such jurisdiction, then the aforesaid Justices, by Warrant under their hands and

seals, in the form of Schedule D. to this Act annexed, or to the like effect, may commit the offender to prison, with or without hard labor, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars can be imposed, and in the same proportion for any greater penalty which can be imposed. Provided always, that, in case it shall appear to such Justices by the confession of the offender, or in any other manner, that he has no goods whereon to levy such distress, then and in every such case it shall be lawful for such Justices, if they shall deem it fit, instead of issuing such Warrant of distress, by Warrant under their hands and seals in the form of Schedule E. to this Act annexed, or to the like effect, to commit the offender to prison, with or without hard labor, for any period not exceeding two calendar months, where a pecuniary penalty of Twenty-five Dollars can be imposed, and in the same proportion for any greater penalty which can be imposed. Provided always, that in no case shall the term of imprisonment exceed two years.

Convictions not to be quashed for want of form. Commitment not to be held void, if there be a valid conviction.

XLIX. All convictions under this Act may be in the form of Schedule F. to this Act annexed, or to the like effect, and no conviction shall be quashed or set aside for want of form, or be removed by Certiorari or otherwise into Her Majesty's Superior Court of Record, and no conviction shall be quashed or set aside except for error of law apparent upon the face of such conviction, and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a valid conviction as aforesaid to sustain the same.

Dependencies of the Stations respectively, to be held included in this Act.

L. In all Sections of this Act in which the Stations of Prince of Wales' Island, Singapore or Malacca, or any or either of them are inserted, all places attached to or dependent on the said Stations respectively shall be taken to be included.

Act to take effect from 1st May, 1852.

LI. This Act shall commence and take effect from and after the 1st day of May, 1852.

SCHEDULE A.

Form of Search Warrant under Section XX.

Prince of Wales' Island. To the Opium Farmer or any Revenue Officer duly appointed under the Act XIV. of 1851, or any Peace Officer.

Whereas it appears to me *A. B.*, one of Her Majesty's Justices of the Peace for the said *Settlement*, by the information on Oath of *C. D.* of ———, that he hath good cause to believe and doth believe, that there is on board the Vessel *Inconstant*, anchored or being within the limits of the Jurisdiction of this *Settlement, Contraband Opium, Chandoo or raw Opium.* These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper assistants, to go on board and enter in the day time into the said Vessel, and there diligently to search for the said *Contraband Opium, Chandoo or raw Opium*, and, if the same shall be found upon such search, that you bring the said *Contraband Opium, Chandoo or raw Opium*, and also the body or bodies of the offender or offenders, in whose possession, custody or control the said *Contraband Opium, Chandoo or raw Opium* shall be found, before me or some other Justice of our said Lady the Queen, assigned to keep the peace in this *Settlement*, to be disposed of and dealt with according to law. Given under my hand and seal, at *Prince of Wales' Island*, the 1*st* day of *June* in the year 1852.

(Sd.) *A. B.*
Justice of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the blank space therein with the description of the informant.)

SCHEDULE B.

Form of Search Warrant under Section 43.

Prince of Wales' Island. To the Peace Officer or Officers within this Settlement, or to the Revenue Officer or Officers appointed according to the provisions of XLVI. Section of Act XIV. of 1851.

Whereas it appears to me *A. B.*, one of Her Majesty's Justices of the Peace for the said *Settlement*, by the information on Oath of *C. D.* of ———, that he has good cause to believe and doth believe, that Articles subject to forfeiture under the provisions of Act XIV. of 1851 are concealed or deposited in the *Dwelling House, Shop or other Building of, E. F.*, of ——— in the said *Settlement*. These are, therefore, in the name of our said Lady the Queen, to authorize and require you, with necessary and proper assistants, to enter in the day time into the said *Dwelling House, Shop or other Building* of the said *E. F.*, and there diligently to search for the said articles, and also to authorize and require you, if a Peace Officer, and if not, in the

presence of a Peace Officer, to enter in the night time (that is to say, at any time between the hours of 6 o'clock in the evening and 6 in the following morning) into the said *Dwelling House, Shop or other Building* of the said *E. F.*, and there diligently to search for the said articles, and if the same shall be found upon such search, that you seize and take possession of the said articles so found, and also the body or bodies of any person or persons being in the said *Dwelling House, Shop or other Building*, in whose possession, custody or control any such articles may be found, or who, you may have good and sufficient reason to suspect, had concealed or deposited therein any such article, before me the said *A. B.*, or some other of the Justices of our said Lady the Queen assigned to keep the peace in the Settlement aforesaid, to be disposed of and dealt with according to law. Given under my hand and seal, at *Prince of Wales' Island* the 1*st* day of *June* in the year 1852.

(Sd.) *A. B.*
Justice of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the first blank space therein with the description of the informant and the second blank space therein with the description of the party whose house, shop or building is to be searched.)

SCHEDULE C.

Form of Distress Warrant.

Prince of Wales' Island. To the Peace Officers, or to any Peace Officer of the said *Settlement*.

Whereas *A. B.* of ——— has been on the 1*st* day of *June* 1852, duly convicted before us,* *C. D.* and *E. F.* two of Her Majesty's Justices of the Peace for the said *Settlement* of the offence of ——— against the form of the Act XIV. of 1851 in that case made and provided, and it was thereupon adjudged by us that he the said *A. B.* has forfeited the sum of ——— Dollars for the offence aforesaid, and whereas the said *A. B.* being required to pay the said sum hath not paid the same, but therein has made default. These are to command you to distrain the Goods and Chattels of the said *A. B.*, which may be found within this *Settlement*, to the amount of the said sum and such further sum as may be sufficient to defray the charges of making such distress, and if within five days next after such distress the said sum, together with the reasonable charges for taking and keeping the said distress, shall not be paid, to sell the said Goods and Chattels, and, having paid out of the money arising by such sale the said sum of ——— Dollars to us to be applied according to the provisions of the said Act XIV. of 1851, and having deducted the necessary charges of taking, keeping and selling the said distress, to return the overplus, if any, on demand to the person whom you shall find in possession of the said Goods and Chattels,

and if no such distress can be made, that then you Certify the same unto us to the end that such further proceedings may be had thereon as to the law doth appertain. Given under our hands and seals, this *2nd* day of *June* 1852.

C. D.
E. F.
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled up according as the case may be, and the first blank space therein with the description of the party convicted, the second blank space therein with a Statement of the offence committed, and the third and fourth blank spaces therein with the amount of Dollars forfeited.)

SCHEDULE D.

Form of Commitment.

Prince of Wales' Island. To the Peace Officers, or any Peace Officer and the Keeper of the Prison of the said *Settlement.*

Whereas *A. B.* of ——— was, on the *1st* day of *June* 1852, duly convicted, before us *C. D.* and *E. F.* two of the Justices of the Peace for the said *Settlement* of the offence of ——— against the form of Act XIV. of 1851 in that case made and provided, and it was thereupon adjudged by us that he the said *A. B.* had forfeited the sum of —— Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for ——— *with hard labour.* And whereas we have issued a Distress Warrant to levy the amount of the said sum by seizure and sale of the Goods and Chattels of the said *A. B.* within our jurisdiction, and no Goods and Chattels of the said *A. B.* have been found within such jurisdiction, and the said *A. B.* hath not yet paid the said sum, but therein hath made default. These are, therefore, to command you, the said Peace Officers or Peace Officer to take the said *A. B.* and him safely to convey to the prison of the said *Settlement,* and there to deliver him to the said Keeper thereof together with this precept. And we do hereby command you, the said Keeper of the said Prison, to receive the said *A. B.* into the said Prison there, and to imprison him *with hard labour* for the space of ——— Given under our hands and seals, at *Prince of Wales' Island,* this *3rd* day of *June* 1852.

C. D.
E. F.
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, are to be filled in according as the case may be, and the first blank space therein with the description of the party committed, the second blank space therein with a Statement of the offence, and the third blank space therein with the amount of Dollars forfeited, and the fourth blank space therein with the period of imprisonment.)

SCHEDULE E.

Form of Commitment when it appears that the offender has no Goods whereon to levy a distress.

Prince of Wales' Island. To the Peace Officers, or any Peace Officer and the Keeper of the Prison of the said *Settlement.*

Whereas *A. B.* of ——— was on the *1st* day of *June* 1852, duly convicted before us *C. D.* and *E. F.* two of Her Majesty's Justices of the Peace for the said *Settlement* of the offence of ——— against the form of Act XIV. of 1851 in that case made and provided, and it was thereupon adjudged by us that he the said *A. B.* had forfeited the sum of ——— Dollars for the offence aforesaid, to be commuted in case of non-payment of the said sum to imprisonment for ——— *with hard labour*, and whereas the said *A. B.* hath not paid the said sum, but therein hath made default, and it appears to us that the said *A. B.* has no Goods or Chattels whereon to levy a distress. These are, therefore, to command you, the said Peace Officers or Peace Officer, to take the said *A. B.* and him safely to convey to the Prison of the said *Settlement*, and there to deliver him to the said Keeper thereof together with this precept, and we do hereby command you, the said Keeper of the said Prison, to receive the said *A. B.* into the said Prison, there to imprison him *with hard labour* for the space of ———

Given under our hands and seals, at *Prince of Wales' Island* on the said *1st* day of *June* 1852.

C. D.
E. F.
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, are to be filled in according as the case may be, and the first blank space therein with the description of the party committed, the second blank space therein with a statement of the offence committed, the third blank space therein with the amount of Dollars forfeited and the fourth and fifth blank spaces therein with the period of imprisonment.)

SCHEDULE F.

Form of Conviction.

Be it remembered that, on the *1st* day of *June* in the year 1852, *A. B.* is found guilty before us *C. D.* and *E. F.*, two of the Justices of the Peace for the said *Settlement*, of the offence of ——— against the form of the Act XIV. of 1851 in that case made and provided, and we do hereby convict him of the offence aforesaid, and do adjudge that he the said *A. B.* hath forfeited the sum of ——— Dollars for the offence aforesaid, to be commuted in case of non-payment of the said

Prince of Wales' Island, to wit.

sum to imprisonment for ——— *with hard labour.* Given under our hands and seals, at *Prince of Wales' Island,* the day and year first mentioned.

C. D.
E. F.
Justices of the Peace.

(The words, letters and figures in Italics, in this Schedule, to be filled in according as the case may be, and the first blank space therein with a Statement of the offence, the second blank space therein with the amount of Dollars forfeited, and the third blank space therein with the period of imprisonment.)

ACT No. XV. 1851.

1. *Fraudulent mixture of good and bad Cotton in Bombay or Colaba to be a misdemeanour.*
2. *Fraudulent deterioration of Cotton by exposure to dew, or mixture with dirt, &c., to give weight to be a misdemeanour.*
3. *Fraudulent sale of mixed, or adulterated Cotton under a false sample to be a misdemeanour.*
4. *Possessing such Cotton with a view to sale to be a misdemeanour.*
5. *Above misdemeanours punishable at Petty Sessions by Fine of Rs. 1000, or Imprisonment for 12 months or both.*
6. *Mixed or adulterated Cotton may be confiscated.*
7. *Chairman of Petty Sessions may issue Warrant for searching for and seizing adulterated Cotton. Every confiscation to be notified to Government, who may export adulterated Cotton to Europe for sale as such.*
8. *Fines to be paid into the Bombay Treasury.*
9. *Whole of Fine and two-thirds of valuation of confiscated Cotton may be given as Reward to the Informer.*
10. *Act not to affect the Civil rights of party defrauded.*

An Act for the better suppression of frauds in respect of Cotton in Bombay.

For the better suppression of fraudulent practices in the Cotton Trade in Bombay, It is enacted as follows.

Fraudulent mixture of good and bad Cotton in Bombay or Colaba to be a misdemeanour.

I. Any person who, in the Islands of Bombay or Colaba, shall fraudulently mix Cotton of a good and bad description or quality in one bale, usually termed false packing, shall be deemed guilty of a misdemeanour.

II. Any person who, in the Islands of Bombay or Colaba, shall fraudulently deteriorate Cotton by exposing it by night to heavy dews, or by putting with it uncleaned Cotton, commonly called Kuppas, or by means of dirt, stones, earth, water, or any other substance, or liquid, or who shall in any other way fraudulently deteriorate it with the view of making it heavier, and packing it in that state, shall be deemed guilty of a misdemeanour.

Fraudulent deterioration of Cotton by exposure to dew, or mixture with dirt, &c., to give weight.

III. Any person who, in the Islands of Bombay or Colaba, shall fraudulently sell or offer for sale under false sample, or otherwise, any Cotton mixed or adulterated as in the first and second Sections of this Act mentioned, shall be deemed guilty of a misdemeanour.

Fraudulent sale of mixed Cotton under a false sample.

IV. Any person who, in the Islands of Bombay or Colaba shall knowingly and wilfully have in his possession any such mixed or adulterated Cotton as aforesaid, with a view to any fraudulent sale or disposition thereof, shall be deemed guilty of a misdemeanour.

Possessing such Cotton with a view to sale.

V. Any person committing a misdemeanour against this Act shall be tried summarily for the same before the Court of Petty Sessions at Bombay, and on conviction shall be liable to a fine not exceeding Rupees One Thousand, or imprisonment, with or without hard labour, not exceeding twelve months, and at the discretion of such Court to both fine and imprisonment: Provided always, that it shall be lawful for the Chairman of the said Court to commit, or hold to bail, any person charged with any misdemeanour under this Act to take his trial in the Supreme Court.

Above misdemeanours punishable at Petty Sessions by fine of Rs. 1000, or imprisonment for 12 months or both.

VI. All Cotton in the Islands of Bombay or Colaba, which shall be fraudulently mixed as mentioned in the first Section of this Act, or which shall be fraudulently deteriorated as mentioned in the second Section of this Act, shall be liable to confiscation.

Mixed or adulterated Cotton may be confiscated.

VII. The said Court of Petty Sessions, upon credible information on oath of any Cotton liable to confiscation under

Chairman of Petty Sessions may issue War-

rant for searching for and seizing adulterated Cotton. Every confiscation to be notified to Government.

this Act being in Bombay or Colaba, may order the seizure thereof, and the Chairman of such Court may issue a warrant for searching for and seizing the same, and, upon the same being proved to the satisfaction of the said Court to be liable to confiscation, may order the confiscation thereof, whereupon the same shall be confiscated, and the said Court of Petty Sessions shall cause an intimation of every such confiscation to be forthwith given to the Collector of Customs at Bombay, who shall forthwith cause a valuation of the confiscated Cotton to be made, and furnish the same to the said Court of Petty Sessions, who shall thereupon make over the confiscated Cotton, with the valuation thereof, to the Bombay Government, and the said Government shall keep the said confiscated Cotton, and shall from time to time export the same to Europe, to be there disposed of as adulterated or deteriorated Cotton.

Fines to be paid into the Bombay Treasury.

VIII. All fines, levied and recovered under this Act, shall be paid into the General Treasury at Bombay.

Whole of Fine and two-thirds of valuation of confiscated Cotton may be given to the Informer.

IX. The said Court of Petty Sessions as to any fine paid to such Court or Cotton confiscated by its order under this Act, and the Supreme Court as to any fine on conviction in such Court, respectively, may award the whole or any part of the fines recovered, and any portion of the valuation by the said Collector of Customs of confiscated Cotton, not exceeding two thirds of the amount of such valuation, to be paid to the informer or informers, whose information shall have led to the conviction of the offender, or confiscation of the Cotton respectively, and may grant such informer or informers an order on the General Treasury at Bombay for the amount so awarded.

Act not to affect the Civil rights of party defrauded.

X. Nothing in this Act shall affect the Civil rights of any parties defrauded by any offender against this Act, but they may sue for the same as if this Act had not been passed.

ACT No. XVI. OF 1851.

Repealed by Act. XVII. 1862.

ACT No. I. OF 1852.

BOMBAY.

1. *Certain Regulations and Acts repealed, and generally all Regulations and Acts respecting the levy of Customs duty within the Bombay presidency.*

2. *Anchorage and Harbour dues in the port of Bombay, and special duties mentioned in this Section, excepted.*

3. *G. in C. may appoint Commissioners of Customs, who shall hold office during pleasure and obey instructions.*

4. *G. in C. to appoint Collectors of Customs, who shall be subject to the Commissioners, so far as Government shall direct.*

5. *G. in C. may appoint all subordinate Officers of Customs, and transfer the duties of one to another. Each Officer shall hold during pleasure.*

6. *G. in C. may delegate his powers under the last Section.*

7. *Penalty for intentionally obstructing any Officer in his duty under this Act.*

8. *Penalty for offering a bribe to any Custom House Officer.*

9. *No action to lie in the Supreme Court for any thing done under this Act, but either before the Revenue Judge or before the Zillah Judge.*

10. *Penalty on Officer wilfully infringing the rules prescribed in this Act or by the G. in C., or asking or accepting a bribe.*

11. *Penalty on Officers practising or attempting or conniving at any fraud on the Customs Revenue.*

12. *All confiscations and penalties to be adjudged by a Commissioner or Collector, or by a Deputy or Assistant Collector if he be a J. P., but in such cases to a limited amount and adjudication to be open to appeal.*

13. *Adjudicating Officer may order restoration of goods on any such terms as he may think fit.*

14. *In case of vexatious seizure, adjudicating officer may adjudge damages; and in case of lawful seizure, may mitigate the penalty and order rewards to officers.*

15. *Penalties, except under last Section, shall be adjudged by the local Magistrate.*

16. *Collector of Customs may refuse Port Clearance until the fine adjudged is discharged.*

17. *No unlicensed person to act as agent for entrance or clearance of any Ship, &c., except the clerk, servant or known agent of any merchant or firm.*

18. *Customs duties on imports by sea from foreign or free Ports to be at the rates specified in Schedule A.*

19. *Customs duties on export of Indian produce or manufactures to foreign or free Ports to be of the rates specified in Schedule B, excepting European Vessels having Firman privileges in Port of Surat.*

20, 21. *Repealed.*

22. *Dutiable goods not to be exempted, except under special order of G. in C., nor released until duty be paid; but Collector may pass duty free, personal luggage in actual use.*

23. *Under certificate of payment of excise duty, Salt may be landed at any other port and passed into the interior duty free.*

24. *G. in C. may fix value on articles dutiable ad valorem.*

25. *Collector may abate duty on goods damaged to more than one fifth of their value.*

26. *Ad valorem Duty, if not fixed by G. in C., to be levied according to the market value at the time and place.*

27. *Goods to be liable to confiscation, if passed through the Custom House without written application, specifying certain particulars.*

28. *If the goods be undervalued in the application, Collector may take them at the valuation for Government.*

29. *When the duty is fixed at the invoice value and the invoice appears to undervalue the goods, Collector may call on the importer to declare the market value and proceed accordingly.*

30. *If application be made after port clearance, double duty shall be levied; or 5 per cent. if goods be duty free.*

31. *If vessel put back, the goods shall not be re-exported free, unless they shall have been all the while under special charge of the Customs Officers; but if Master re-land under import rules, he may re-export duty free.*

32. *Duty to be returned on goods relanded before Port Clearance granted; but not after Port Clearance, unless under last Section.*

33. *Goods re-exported in the same vessel not liable to import or export duty, but goods transhipped liable to both.*

34. *Duty erroneously paid, not to be returned unless claimed within 2 years.*

35. *Seven-eighths of import duty may be repaid on re-export, if goods be identified.*

36. *Penalty of Rs.* 1000 *for counterfeiting invoice, &c.*

37. *Collector, if satisfied, may grant duplicate of lost certificate, or authorize amendment of application.*

38. *Penalty of Rs.* 500 *or Master not reporting the quantity of Gunpowder on board.*

39. *Master on arrival to give such information as may be required.*

40. *Master on arrival to deliver Certificate, or Pass or Sea Letter, and Manifest, to the first authorized person who comes on board. Penalty, Rs.* 1,000.

41. *Penalty of Rs. 1,000, and forfeiture of goods in excess, for untrue manifest.*

42. *Penalty of Rs. 1,000, on Master neglecting to deliver manifest 24 hours after entering Port.*

43. *Vessel not to break bulk, until after manifest in duplicate shall have been received and order for discharge of cargo be given by Collector.*

44. *Vessel not to take on board export Cargo, till after order given stating specified particulars.*

45. *If Vessel be bound to any other British Indian port, Master shall give a bond to produce a Certificate of arrival at that port within a prescribed time.*

46. *No goods to be landed or shipped, till entry duly made and order for discharge or shipment of Cargo.*

47. *Goods landed or put on board contrary to rule, liable to confiscation.*

48. *Varying penalty on Master for goods manifested but not found on board, or found short, or not duly landed.*

49. *Penalty of Rs. 500 on Master removing goods between sunset or sunrise, or on Holidays, without leave in writing.*

50. *Boat note, signed by an Officer of the Vessel and a Customs Officer, to be sent on shore with each boat load.*

51. *Only 20 days besides Sundays and Holidays, from time of entry inwards, to be allowed for discharge of cargo of vessels of 600 Tons; and 30 days for larger vessels.*

52. *Vessel not to leave port without Port Clearance, which shall be applied for 24 hours before departure, and shall not be granted to any square-rigged Vessel without production of 6 documents.*

53. *Master, at time of applying for Port Clearance, to deliver Manifest. Penalty of Rs. 1000 and forfeiture of goods in excess, for untrue Manifest.*

54. *Manifest to be amended in presence and by leave of Collector, if goods be taken on board after Port Clearance.*

55. *Penalty of Rs. 1000 for attempt to depart without Port Clearance.*

56. *Transhipment of goods not to be made without special order from Collector.*

57. *G. in C. may declare Ports of landing and shipment.*

58. *Places for landing and shipment to be appointed in every port, and goods landed elsewhere to be liable to confiscation.*

59. *G. in C. may make rules for anchorage of Coasting and Country Craft, and landing, &c. of Cargo thereof. Penalty of Rs. 100 for infringement of such rules.*

60. *Goods brought to Custom House may be confiscated, if not corresponding with the description in the application.*

61. *Exported goods found in the Harbour, or imported goods found on wharf, to be liable to confiscation unless proved to be duly passed or landed.*

62. *G. in C. may fix and alter rates of warehouse rent.*

63. *Importer and Exporter to pay incidental expenses of examination or weighment.*

64. *Collector may require Sea goods stored in bulk to be weighed or measured on board.*

65. *G. in C. may make rules as to passengers' baggage, and parcels by the mails.*

66. *Goods, attempted to be removed without pass after being landed, may be confiscated unless the attempt was not sanctioned by the owner.*

67. *Collector may sell, after notice in the Gazette, any goods not cleared within three months after landing.*

68. *G. in C. may license boats specially for landing and shipping merchandise, and in such case goods shall not be otherwise landed.*

69. *When G. in C. shall notify an establishment of Customs Officers, the Collector may send one or more to remain on board any ship night and day.*

70. *Penalty of Rs.* 100 *per diem on Master, not receiving and properly accommodating such Officer and his Servant.*

71. *If Collector on application grant extension of time for discharge of Cargo, the Master of the ship shall be charged with the wages of the Customs Officer.*

72. *If the lading and unlading be continuous,* 20 *days shall be allowed for the latter; but if not,* 30 *days. After such periods, wages and expenses to be charged to the Master.*

73. *Penalty of Rs.* 1,000 *on Master taking Cargo after unlading of Vessel and before her entry outwards.*

74. *Collector may issue Search Warrant against a vessel. Penalty of Rs.* 1,000 *for resistance thereto.*

75. *Persons not to be searched for uncustomed or prohibited goods till taken before the Collector or a Justice, who shall determine if there are reasonable grounds. Penalty of Rs.* 100 *for unlawful or unreasonable search. Females to be searched only by females.*

76. *Commissioner or Collector may issue Search Warrant for uncustomed or prohibited goods against any house, shop, &c., but only on sworn information.*

77. *No Cargo boat with goods to make fast to or lie alongside of a Vessel without permit, under penalty of confiscation of goods.*

78. *Fines not otherwise provided for to be recovered before a Magistrate, and payment to be enforced under Act II. of* 1839.

An Act for the consolidation and amendment of the Laws relating to the Customs under the Presidency of Bombay.

Whereas it is expedient to consolidate into one Act the laws now in force, relating to the Customs under the Presi-

dency of Bombay, and also to amend the rules for the collection and management of the same, It is enacted as follows :

Certain Laws specially repealed, and generally all laws respecting the levy of Customs Duty within the Bombay Presidency.

I. The following Regulations and parts of Regulations of the Bombay Code, and the following Acts and parts of Acts of the Government of India, are repealed, that is to say, Sections 1, 2 and 3, Regulation VI. of 1799 ; Clause 2 Section 7, Regulation IX. of 1800 ; Sections 14, 17, 20, 21, and 25, Regulation I. of 1805 ; Section 4, Regulation II. of 1810 ; Regulation VI. of 1814 ; Chapters III. V. and VII. Regulation XX. of 1827 ; Regulation I. of 1833 ; Act I. of 1838, except in so far as it repeals any Regulation of the Bombay Code, or Act of the Government of India ; Act IX. of 1845, so far as it relates to the Bombay Presidency, except so far as it repeals any other Act ; Act II. of 1846 ; and all other Acts and parts of Acts, and all other Regulations and parts of Regulations of the Bombay Code, so far as such Acts or Regulations prescribe the levy within the Bombay Presidency of any Customs Duties, as well on transit by land as on import and export by sea, or which relate in any way to such Duties, or which require the payment of any fee leviable by Customs Authorities on account of any vessel which may enter any port in the territories subject to the Presidency of Bombay.

Anchorage and Harbour dues in Bombay, and certain special Duties excepted.

II. Nothing hereinbefore contained shall be construed to prevent the levy of any anchorage or harbour dues now leviable at the port of Bombay, or the levy of any special duties on opium, tobacco, gunja, spirits or salt which are or may be established by any Law, or the levy of any town duty, or of any Municipal Tax, or of any toll on any bridge, road, canal or causeway, or for repair and maintenance of light-houses, or the levy of any rent or fee leviable under Act XXV. of 1836, on the warehousing of goods.

G. in C. may appoint Commissioners of Customs who shall hold office during pleasure.

III. The Governor of Bombay in Council may appoint one or more persons, to be Commissioners of Customs for the collection and management of the Customs throughout the whole of the Presidency of Bombay, with such salary or salaries as the said Governor in Council may deem reasonable ; the

persons so appointed shall hold their offices during the pleasure of the said Governor in Council, and shall, in all matters relating to the execution of their duties, be subject to the authority, direction and control of, and obey such orders and instructions as shall from time to time be issued to them by, the said Governor in Council.

G. in C. to appoint Collectors of Customs, who shall be subject to the Commissioners so far as Government shall direct.

IV. The Governor of Bombay in Council may appoint such persons as he may deem fit for the control and supervision of the collection and management of the Customs in the Bombay Presidency under this Act, as Collectors of Customs, or under such other designation as the said Governor in Council shall determine; the persons so appointed shall be subject to the authority and control of the Commissioner or Commissioners (if any such officer shall have been appointed) in such manner and to such extent as the said Governor in Council, from time to time, may direct.

G. in C. may appoint all subordinate Officers of Customs and transfer the duties of one to another.

V. The Governor of Bombay in Council may appoint all other proper persons to execute the duties of the several subordinate officers necessary to the due management and collection of the Customs, and may require from such persons such securities of their good conduct therein as the said Governor in Council may deem necessary; and may, from time to time, transfer any part of the duties and powers of any officer of Customs under this Act to any other officer, in such cases and under such restrictions as the said Governor in Council may deem fit; and every officer of Customs appointed or employed on any duty relating to the said Customs shall hold his office during the pleasure of the Governor of Bombay in Council: all persons holding any office or employment in the said Customs, at the time of the passing of this Act, shall continue to be so employed therein under this Act until duly removed therefrom.

G. in C. may delegate his powers under the last Section.

VI. The Governor of Bombay in Council may delegate the whole or any portion of the powers with which he is invested by the preceding section to any Commissioner or Collector or other officer of Customs regularly appointed under the

provisions of this Act, and all subordinate officers of Customs, who may be appointed by such Commissioner or Collector or other officer of Customs by virtue of such delegated power, shall be liable to be dismissed, suspended or fined to an extent not exceeding two months' pay by the authority by which they were respectively appointed, subject to the control of Government, or of superior authority in the Customs department.

Obstructing any Officer in his duty under this Act.

VII. Whoever intentionally obstructs any officer, in the exercise of any powers given by this Act to such officer, shall be liable to imprisonment for any term not exceeding six months, or a fine not exceeding one thousand Rupees, or both.

Offering a bribe to any Custom House Officer.

VIII. Any person, who shall offer a bribe to any custom house officer in order to induce such officer to act in a manner inconsistent with his duty, shall be liable for every such offence to a fine not exceeding One Thousand Rupees, or to imprisonment for any term not exceeding six months, or both.

No action to lie for any thing done under this Act, except either before the Revenue Judge or before the Zillah Judge.

IX. No action shall lie in the Supreme Court for any act or thing done under this Act; but every action for any wrong or trespass, if committed within the local limits of the Island of Bombay, shall be tried and determined before the Revenue Judge of Bombay, and if committed in any part of the Presidency of Bombay without those limits, then before the proper Zillah Judge within whose jurisdiction the same shall have been committed; and such Revenue Judge of Bombay, or Zillah Judge respectively, shall award such damages to the party aggrieved for the injury done as shall be just and equitable: Provided that, if it shall appear that there was reasonable and probable cause for the act complained of, the plaintiff shall not be entitled, beyond the restoration of any article unlawfully seized or the value thereof, to more than two annas damages without costs.

Penalty for wilfully infringing the rules or asking or accepting a bribe.

X. Whoever, being an officer appointed under the authority of this Act, shall be guilty of a wilful breach of the rules prescribed in this Act, or any other rules that shall be passed

by the Governor of Bombay in Council under the authority of it, or shall accept or obtain or attempt to obtain from any person any property, gratuity or benefit as a consideration for doing or forbearing to do any official act, shall be liable to imprisonment for any term not exceeding two years, or to fine, or both.

Penalty on Officers practising or attempting or conniving at any fraud on the Customs Revenue.

XI. Whoever, being an officer appointed under the authority of this Act, practises or attempts to practise any fraud for the purpose of injuring the Customs Revenue, or abets or connives at any such fraud, or at any attempt to practise any such fraud, shall be liable to imprisonment for any term not exceeding two years, or to fine, or both.

All confiscations, &c., to be adjudged by a Commissioner or Collector; or by a deputy or assistant if he be a J. P., but in such cases to a limited amount and subject to appeal.

XII. In all cases in which under this Act goods are liable to confiscation, and in all cases in which under this Act any person in charge of or owning a vessel, or landing or shipping goods or passing them through the Custom House, is liable to a penalty, a Commissioner or Collector of Customs may adjudicate such confiscation or such penalty; or the same may be adjudged by a Deputy or by an Assistant Collector of Customs, being a Justice of the Peace: Provided, that the power to adjudicate confiscation shall not extend as regards a Deputy Collector to goods beyond the value of Rupees One Thousand, nor as regards an Assistant Collector to goods beyond the value of Rupees One Hundred, nor shall any Deputy Collector impose any fine beyond the amount of Rupees Fifty, nor any Assistant Collector beyond the amount of Rupees Ten; and all cases adjudicated by a Deputy or Assistant Collector shall be liable to revision by a Collector of Customs on appeal.

Adjudicating Officer may order restoration of goods on any fit terms.

XIII. In case any goods, ship, vessel, boat, cart, vehicle or other article shall be seized as forfeited, or detained as undervalued under this Act, the adjudicating officer may order the same to be restored in such manner and on such terms and conditions as he thinks fit to direct; and if the proprietor of the same accepts such terms and conditions, he shall not have or maintain any action for recompense or damage on account

of such seizure or detention, and the adjudicating officer shall not proceed to condemnation.

XIV. Any Collector of Customs or other officer, who is authorized to adjudicate Customs cases, if he shall decide that a seizure of goods made under the authority of this Act was vexatious and unnecessary, may adjudge damages to be paid to the proprietor by the Customs Officer who made such a vexatious seizure, beside ordering the immediate release of the goods; and if the proprietor accepts such damages no action shall thereafter lie against the Officer of Customs in any court of justice on account of such seizure; and if such adjudicating officer shall decide that the seizure was warranted, but shall deem that the penalty of confiscation is unduly severe, he may mitigate the same, by levying on the goods so seized as aforesaid any portion of the market value of such goods, not less than one-tenth of such value; and if the said officer adjudges confiscation, or any penalty in mitigation of confiscation, he may order that from the sale of the goods, or from the proceeds of any penalty inflicted in mitigation of confiscation, a proportion not exceeding, in all cases of seizure except seizures of salt or tobacco, one-half of the sum remaining after payment of all Government demands shall be distributed in rewards amongst such officers as he deems entitled thereto, and in such proportion as he directs to each respectively: but in awarding rewards for the seizure of confiscated salt or tobacco, he may award one-half of the proceeds of sale, without making any deduction on account of Government demands.

In case of vexatious seizure, adjudicating officer may adjudge damages; and in case of lawful seizure, may mitigate the penalty and order rewards to officers.

XV. All penalties under this Act, except those specified in any judicial award of the Collector or other adjudicating officer as provided for in Section XIII. of this Act, shall be adjudged and determined by the Officiating Magistrate of the place where the offence shall have been committed; and any Collector being a Justice of the Peace, or Deputy or Assistant Collector authorized in such behalf by his superior and being a Justice of Peace, may take informations and depositions on oath or solemn affirmation or declaration touching any matters

Penalties, except under last Section, shall be adjudged by the local Magistrate.

involving a breach of any of the provisions of this Act, and, if taken in the presence of the party or parties charged with such breach, the same shall be received in evidence by such magistrate in the like manner and to the same extent as if taken before him, and shall be deemed sufficient for him to adjudicate thereon: but nothing herein contained shall prevent such magistrate from taking any information or deposition afresh, or from taking other and further depositions in the matter, if he think fit.

Collector may refuse Port Clearance until the fine is discharged.

XVI. If any person, in charge of or owning a vessel, shall have become liable to any fine on account of any act or omission relating to the Customs, the Collector of Customs, subject to the orders of the Governor of Bombay in Council, may refuse Port Clearance to such vessel until the fine is discharged; and in like manner if any person, passing goods through the Custom House, shall have become liable to any fine, the Collector of Customs may detain such goods until the fine is discharged.

No unlicensed person to put as agent for entrance or clearance of any Ship, &c., except the clerk, servant or known agent of any merchant or firm.

XVII. No person shall act as an agent for transacting business in the Custom House in the port of Bombay which shall relate to the entrance or clearance of any ship, goods, or baggage, unless authorized so to do by license of the Collector of Customs, who may require a bond to be given by every person to whom such license shall be granted, with sufficient securities, in any sum not exceeding Five Thousand Rupees for the faithful and incorrupt behaviour of such person as regards the custom house regulations and its officers; and every person who shall act as such agent not being so licensed shall, for every such offence, be liable to a fine not exceeding the sum of Five Hundred Rupees: Provided always, that nothing herein contained shall extend to forbid the clerk or servant, or known accredited agent of any person or of any mercantile firm, from transacting business at the Custom House on account of such person or firm without license.

Duties on imports by sea from foreign or free

XVIII. Duties of Customs shall be levied on goods imported by sea from any port not subject to the Government of

the East India Company, or from Aden, or any port in the Straits of Malacca, *the Tenasserim Provinces, or the Province of Arracan,* into any place in the territories subordinate to the Government of the Presidency of Bombay according to the rates specified in Schedule A. annexed to this Act, and with the exceptions specified therein; and the said Schedule shall be taken to be a part of this Act.*

Ports to be at the rates in Schedule A.

XIX. Duties of Customs shall be levied upon goods the produce or manufacture of India exported by sea to any port situated beyond the territories subject to the Government of the East India Company, or to Aden, or to any port in the Straits of Malacca, *the Tenasserim Provinces or the Province of Arracan,* from any port of the Bombay Presidency, according to the rates specified in Schedule B. annexed to this Act, with the exceptions therein specified; and the said Schedule with the notes attached thereto, shall be taken to be a part of this Act: Provided always, that the ships of any European nation having Firman privileges in the port of Surat shall not be subject to further duties of import or export than may be prescribed by their Firmans respectively, any thing in the Schedules or in this Act notwithstanding.†

Duties on export of Indian produce or manufactures to foreign or free Ports to be at the rates specified in Schedule B. except in certain European Vessels.

XX. *Repealed by Act XXII.* 1859.

XXI. *Repealed by Act XXII.* 1855.

XXII. No goods, entered in either of the Schedules of this Act as liable to duty, shall be exempted from the payment of such duty of any part thereof, except under special order from the Governor of Bombay in Council, and the Collector of Customs shall detain all goods subject to duty under this Act until such duty shall have been duly paid according to the rules herein provided: Provided always, that the Collector of Cus-

Dutiable goods not to be exempted except under special order, nor released until duty be paid. Collector may pass personal luggage in actual use.

* Repealed by Act XXX. 1854, as regards ports of Arracan and Tenasserim.

† Repealed by Act XXX. 1854, as regards ports of Arracan and Tenasserim.

toms, or other officer in charge of a Custom House, may at his discretion pass free of duty any passenger's personal baggage in actual use, and if any person shall apply to have goods passed as such baggage, the Collector, acting under the orders of Government, shall determine whether they be passenger's personal baggage in actual use, or goods subject to duty under the provisions of this Act.

Under certificate of excise duty paid, salt may be landed at any other port and passed into the interior, free.

XXIII. On application by the exporter of any salt that has paid the excise duty as established by law, a certificate shall be granted by the Collector of Customs at the place of export, under authority of which certificate the quantity of salt specified therein may be landed at any other port of the said Presidency of Bombay, and passed from such port into the interior of the country without the levy of any further duty, either of excise or of customs.

G. in C. may fix value on articles dutiable ad valorem.

XXIV. The Governor of Bombay in Council, from time to time by notice in the official Gazette of that Presidency, may fix a value for any article, or number of articles, liable to duty upon their value, and the value so fixed for such articles shall, till altered by a similar notice, be taken to be the value of such articles for the purpose of levying duty on the same.

Collector may abate duty on goods damaged to more than one fifth of their value.

XXV. When goods liable to duty for which a value has been fixed by such notice, or for which a fixed duty has been declared by the Schedules annexed to this Act, are brought to any Custom House in the Bombay Presidency in a damaged state, and such damage is declared previous to the assessment of Customs on such goods, the Collector of Customs may make an abatement of Customs in proportion to the damage received; and, in estimating such damage, he shall be guided by such rules as the Governor of Bombay in Council may from time to time determine and notify; but if the value of the goods be not deteriorated more than one-fifth part thereof, no abatement of Customs shall be allowed.

Ad valorem Duty, if not fixed by G. in C., to be

XXVI. When goods liable to duty, for which a value has not been fixed by such a notice as is above directed, or for which

a fixed duty has not been declared by the Schedules annexed to this Act, are brought to any Custom House in the Presidency of Bombay, for the purpose of being passed for importation or exportation, the duty leviable on such goods shall be levied according to the market value of such goods, at the place and time of importation or exportation as the case may be.

levied according to the market value at the time and place.

XXVII. No goods shall be allowed to be passed through the Custom House until a written application, according to a form to be prescribed by the Collector of Customs, shall have been made by the owner, consignee, exporter, importer, or the agent for any of such persons respectively, for permission to pass such goods through the Custom House; and such application shall contain a true description of such goods, with the marks, numbers and description of the packages containing the same, and a declaration of their value, and shall set forth the name of the ship in which the goods have been imported, or are to be exported, the name of the master of the said ship, the colors under which the said ship sails, and the country in which the goods were produced. If any goods shall be passed through the Custom House, or attempted to be removed therefrom without such an application in writing as is above described, they shall be liable to be seized and confiscated.

Goods to be liable to confiscation, if passed through the Custom House without written application, specifying certain particulars.

XXVIII. The market value for assessment of Duties on the goods indicated in Section 26 shall be that declared in the application to be made, as aforesaid; Provided always, that the value so declared be admitted by the Collector or by the officer appointed to appraise goods at the Custom House; but if the value of the whole or any part of the goods entered in the declaration aforesaid shall seem to the Collector to be understated in such declaration, he shall have power to take the goods, or any part thereof, as purchased for the Government at the price so declared; and whenever the Collector of Customs shall so take goods for the Government, payment thereof shall be made to the consignee, importer or exporter within one month from the date of the declaration; if the goods be imported goods, the amount of import duty leviable thereon shall

If the goods be undervalued in the application, Collector may take them at the valuation for Government.

be first deducted; and if the goods be intended for exportation, the entire value as declared shall be paid without deduction on account of Customs Duty: and the Collector shall sell the goods so taken on account of Government; and, if they shall realize on sale a sum exceeding all charges incurred on them by Government, a proportion not more than one-half of the excess shall, at the discretion of the Collector, be payable to the officer who reported the undervaluation of the goods, who shall in like manner be liable to pay one-half of the net loss that may accrue on the sale of the said goods.

When the invoice appears to undervalue the goods, Collector may call on the importer to declare the market value and proceed accordingly.

XXIX. And whereas, under Section 24 of this Act, it may be found expedient to fix the dutiable value of certain goods at the rates shewn by their invoice, when it shall appear to the officer of customs appointed to appraise goods at the Custom House that any goods are undervalued in an invoice presented for the purpose of assessing customs, he shall report the same to the Collector of Customs, who shall call upon the importer or exporter to declare the market value of the goods in question, and if the value so declared shall appear to the Collector insufficient, he may take such goods for Government at the value so declared, and dispose of them as empowered by Section 28 of this Act.

If application be made after port-clearance, double duty shall be levied; or 5 per cent. if goods be duty free.

XXX. Upon any goods liable to duty that may be passed through the Custom House for shipment, the application for which shall be presented after port-clearance shall have been taken out, double of the prescribed duty shall in all cases be levied, and if the goods (always excepting treasure and opium) be free, or have already paid import duty, or have been imported free under certificate, five per cent upon the market value shall be levied thereon, or if the same be imported goods entitled to drawback, the drawback shall be forfeited, but no separate duty shall be levied on drawback goods.

If vessel put back, the goods shall not be re-exported free, unless they shall

XXXI. When a vessel, having cleared out for any port, shall put back from stress of weather, or it shall, from any damage or from other cause, be necessary that the cargo of a

vessel that has cleared out shall be unshipped or relanded, a Customs Officer shall be sent to watch the vessel, and take charge of the cargo during such relanding or removal from on board; and the goods on board such vessel shall not be allowed to be transhipped or re-exported free of duty by reason of the previous settlement of duty at the time of first export, unless the goods shall be lodged in such place as shall be allowed by the Collector of Customs, and shall remain, while on land or while on board of any other vessel, under special charge of the officers of Customs until the time of re-export, and all charges attending such custody shall be borne by the exporter: Provided however, that, in all cases of return to port after port-clearance on account of damage or for stress of weather, the owner or master may enter the vessel and land the cargo under the rules for the importation of goods, and the export duty shall in that case be refunded, and the amount paid in drawback be reclaimed; and if goods on account of which drawback has been paid be not found on board the vessel, the master shall be liable to a fine not exceeding the entire value thereof, unless he accounts for them to the satisfaction of the Collector of Customs.

have been all the while under special charge of the Customs Officers; but if Master re-land under import rules, he may re-export duty free.

Duty to be returned on goods relanded before port-clearance granted.

XXXII. When goods shall be re-landed before the lading of any vessel is complete, and before port-clearance has been granted, the duty levied upon such goods shall be returned to the exporter, but no refund shall be made of duty paid on the export of any goods after port-clearance shall have been granted for the vessel on which the goods are exported, unless the vessel shall have put back for stress of weather or for damage, and the goods shall have been re-landed under the rule contained in Section 31.

Goods re-exported in the same vessel not liable to import or export duty.

XXXIII. Goods exported in the same vessel on which they were imported, if manifested for re-export, shall not be subject to import or export duty; and, if any goods brought to any port in any vessel be transhipped in such port, they shall in all cases be subject to the same duty as if they had been landed and passed through the Custom House for re-exportation in the vessel into which they may be transhipped.

Duty erroneously paid, not to be returned unless claimed within two years.

XXXIV. No Duty of Customs which shall have been charged and paid, and of which repayment is claimed in consequence of the same having been charged or paid under an erroneous construction of law or from other error, shall be returned unless such claim is made within two years from the date of such payment.

Seven-eighths of import duty may be repaid on re-export, if goods be identified.

XXXV. With the sanction of the Governor of Bombay in Council, seven-eighths of the customs levied on imports may be repaid as drawback upon the re-export by sea of goods which can be identified to the satisfaction of the Collector of Customs as having previously paid customs duties on import at the same port: Provided, that such re-export be made within two years of the date of import by the custom house register and the drawback be claimed at the time of re-export; but no drawback shall be claimable under this Act on any re-export of opium or salt, or of goods destined for any port in the territories subject to the Government of the East India Company, except Aden, and ports in the Straits of Malacca, *the Tenasserim Provinces, and the Province of Arracan.**

Penalty of Rs. 100 for counterfeiting invoice, &c.

XXXVI. Every person who shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any invoice, entry, cocket, or other document for the purpose of clearing, or having customs duties assessed on any goods, shall be liable to a fine not exceeding one thousand rupees.

Collector may grant duplicate of lost certificate, and authorize amendment of application.

XXXVII. If any certificate, manifest, bill or other Custom House documents be lost by any person to whom they may have been issued by the Custom House authorities, the Collector of Customs, on being satisfied that no fraud has been committed or was intended, may grant a duplicate of such lost document upon payment of a fee of not less than one rupee, not exceeding ten rupees; and further the Collector may authorize any amendment to be made in any import or export application; but, if such amendment be required after such application is

* Repealed as to the ports in Arracan and Tenasserim by Act XXX. 1854.

entered and recorded in the custom house books, then upon payment of a like fee for any document so entered.

XXXVIII. The Master of every vessel on arrival at the port of Bombay shall, on being required by any customs officer who may proceed on board, enter in a printed form with which such officer will be furnished the information therein required, which shall include the vessel's name and the country to which she belongs, the name of the captain or sailing master, the port from whence she began her voyage, and the date of departure therefrom, also the names of any ports at which she touched during her voyage, and of any vessels she may have spoken, and a list of her passengers; and any Master of any vessel who shall refuse to enter such information, or delay to do so for more than two hours after delivery to him of the printed form aforesaid, or wilfully make any false statement in filling up the same, shall be liable to a fine not exceeding Five Hundred Rupees.

Penalty of Rs. 500 on Master not reporting the quantity of Gunpowder on board.

XXXIX. On the arrival of any ship, boat, or other vessel at the port of Bombay, the Master or Commander thereof shall, within twelve hours after he shall have anchored, report to the Collector of Customs the quantity of gunpowder which he has on board, and all such gunpowder in excess of five seers, unless a greater quantity shall be authorized by Government to be retained on board any vessel, shall be delivered by him in charge of such person as shall be named in an order to be furnished to him for such purpose by a proper officer of Government, and on his failure to make such report, or deliver such excess, he shall be liable to a fine not exceeding Five Hundred Rupees.

Master on arrival to give such information as may be required.

XL. When any vessel shall arrive in any port of the Presidency of Bombay, the Master shall deliver a certificate of registry of such vessel if registered as a British vessel under Act of Parliament, or if registered under Acts of the Government of India No. X. of 1841 or No. XI. of 1850, a certificate of registry as required by such Acts, or if not registered under

Master on arrival to deliver Certificate, or Pass or Sea Letter, and Manifest, to the first authorized person who comes on board. Penalty, Rs. 1,000.

either of the said Acts, then the pass or sea letter under which the vessel may have sailed, to the first person duly empowered to receive such certificate of registry or pass, who comes on board; and if no such person comes on board before the anchor is dropped, then such certificate or pass shall be forwarded to the Collector of Customs, or other principal officer of Customs on the spot, by the first boat that leaves the vessel after dropping anchor; and, if the port be up a river, or at a distance from the land first made, no inward-bound vessel, except such country craft as are described in Section 59 of this Act, shall pass beyond such place in such river or adjoining such port as shall be from time to time appointed by the Governor of Bombay in Council, by an order published in the Government Gazette of the Presidency, until the Master shall have forwarded, in such manner as may be so ordered by the said Governor, a certificate of registry or pass; and the Master of such vessel arriving as aforesaid shall deliver in duplicate, at the same time and in like manner as he is hereinbefore directed to deliver a certificate of the registry of the vessel, a true manifest of the cargo on board; and if there be no cargo, then a blank manifest made out according to such form as may be prescribed by the Collector of Customs; and the wilful breach or neglect of any of the provisions of this Section shall subject the Master to a fine not exceeding One Thousand rupees.

Penalty of Rs. 1,000, and forfeiture of goods in excess, for untrue manifest.

XLI. If the manifest so delivered by the Master shall not contain a full and true specification of all the goods imported in the vessel, the said Master shall be liable to a fine not exceeding rupees one thousand, and any goods or packages in excess of the manifest so delivered, or differing in quality or kind, or in marks and numbers, from the specification contained therein, that are found on board, or are found after being fraudulently removed from the vessel, shall be liable to be seized by any officer of customs and confiscated, or to be charged with such increased duties not exceeding the value of such goods or packages as may be determined by the Collector of Customs.

XLII. If any inward-bound vessel shall remain outside or below the place that may be fixed by the Governor in Council for the first delivery of manifests, the Master shall deliver a manifest as hereinbefore prescribed, to the first person duly empowered to receive such manifest who comes on board, and the Master of any vessel entering a port for which there is a Custom House established, and being at anchor therein for twenty-four hours, who shall refuse or neglect to deliver the said manifest within that time in the manner above prescribed, shall, for such refusal or neglect, be liable to a fine not exceeding Rupees One Thousand; and no entry or port-clearance shall be given for such vessel until the fine is paid.

Penalty of Rs. 1,000, on Master neglecting to deliver manifest 24 hours after entering Port.

XLIII. No vessel shall be entitled to inward entry or be allowed to break bulk, until a manifest in duplicate, as required by this Act, shall have been received by the Collector of Customs, nor until orders have been given by the said Collector for the discharge of the cargo; and the said Collector may further refuse to give such order, if he shall see fit, until any port-clearance, cocket, or other papers known to be granted at the places from which the vessel is stated to have come, shall likewise be delivered to him.

Vessel not to break bulk until after manifest in duplicate shall have been received and order for discharge of cargo be given by Collector.

XLIV. No vessel shall be entitled to entry outwards, or to take on board any part of her export cargo, until a written application for such purpose shall have been made by the Master of such vessel to the Collector of Customs, nor until an order shall have been given by the said Collector for shipping export cargo, and in the written application to be made as aforesaid, the name, tonnage, and nation of the vessel shall be described, as also the name of the master, and the name or names of the place or places for which she is bound.

Vessel not to take on board export Cargo, till after order given stating specified particulars.

XLV. If, in the application prescribed by the preceding Section of this Act, a vessel be described to be bound to any port or ports within the territories of the East India Company, then the Collector of Customs, or, in his absence, his Deputy or Assistant, may refuse a port-clearance to such vessel until

If Vessel be bound to any other British Indian port, Master shall give a bond to produce a Certificate of arrival at that port within a prescribed time.

the Master or Commander thereof shall have given a joint bond together with the owner or the consignee of the said vessel, or some other party approved by the Collector of Customs, or, in his absence, by his Deputy or Assistant, by which such parties or one of them shall be bound to produce to the Collector of Customs a certificate from the officer in charge of the port to which such vessel is said to be bound, of her arrival at such port within a fair and reasonable time to be prescribed by the Collector in each case, and on failure of producing such certificate, or showing sufficient reason for its non-production, the parties to the bond aforesaid shall be jointly and severally bound to pay a penal sum equal to double the amount of customs which would have been chargeable on the export cargo of the said vessel, had she been declared bound to a port beyond the territories of the East India Company.

No goods to be landed or shipped till entry duly made and order for discharge or shipment of Cargo.

XLVI. No goods shall be allowed to leave any vessel or to be put on board thereof, until entry of the vessel shall have been duly made in the Custom House of the port, and until order shall have been given for discharge or shipment of the cargo thereof as above provided, and it shall be the duty of every customs officer to seize as contraband any goods which have been removed from or put on board of any vessel in contravention of the above provision; and the Master of any vessel who shall permit or neglect to take measures for preventing the landing or shipping of any goods in contravention of the above provisions, shall be liable to a fine not exceeding Five Hundred Rupees.

Goods landed or put on board contrary to rule, liable to confiscation.

XLVII. After entry of the vessel at the Custom House in due form as above prescribed, such part of the cargo as may not be declared for re-exportation in the same vessel shall be landed, and export cargo shall be laden on board according to the forms and rules that may be prescribed for the port by this Act, or by order of the Governor of Bombay in Council; and if an attempt be made to land or put on board goods or merchandise in contravention of the forms and rules so prescribed, the goods shall be liable to seizure and confiscation.

7

XLVIII. If goods entered in the Manifest of a vessel shall not be found on board that vessel, or if the quantity found be short, and the deficiency be not duly accounted for, or if goods sent out of the vessel be not landed at the Custom House, or at such other place as the Collector of Customs shall have prescribed, the Master shall be liable to a penalty not exceeding Five Hundred Rupees for every missing or deficient package of unknown value, and to a penalty equal to twice the amount of duty chargeable on the goods deficient and unaccounted for, if the duty can be ascertained, and if they be not subject to duty, then to a penalty equal to five per cent. on the value of such deficient goods; Provided always, that nothing herein contained shall be construed to prevent the Collector of Customs from permitting, at his discretion, the Master of any vessel to amend obvious and unintentional errors, or to supply omissions from accident or inadvertence, by furnishing an amended or supplemental Manifest.

Varying penalty on Master for goods manifested but not found on board, or found short, or not duly landed.

XLIX. Every Master of a vessel who shall remove from such vessel or put on board thereof any goods, or cause or suffer any goods to be removed from thence or put on board thereof between sunset and sunrise, or on any day when the Custom House is closed for business, without leave in writing obtained from the Collector of Customs, shall be liable to a fine not exceeding Five Hundred Rupees.

Penalty for removing goods between sunset or sunrise or on Holidays without leave.

L. When goods shall be sent from on board of any vessel for the purpose of being landed and passed for importation, there shall be sent, with each boat load or other separate despatch, a boat note specifying the number of packages and the marks and numbers, or other description thereof, and such boat note shall be signed by an officer of the vessel; and if the vessel have a Customs Officer on board, the boat note must be signed by such officer as well as by an officer of the vessel; and if any imported goods be found in a boat proceeding to land from such a vessel without a boat note, as above provided, or if, being accompanied by such boat note, they be found out of the proper track between the ship and the proper place of

Boat note to be sent on shore with each boat load.

landing, the boat containing such goods may be detained by any Officer of Customs duly authorized by the Collector; and unless the cause of deviation be explained to the satisfaction of the Collector of Customs, the goods shall be liable to seizure and confiscation.

Only twenty days to be allowed for discharge of vessels of 600 tons; and thirty days for larger vessels.

LI. Except in special cases sanctioned by the Collector of Customs, twenty days, exclusive of Sundays and holidays, shall be allowed for the discharge of the import cargo of vessels not exceeding six hundred tons' burthen, and thirty days for vessels exceeding that burthen; and the said periods shall be calculated from the date on which the vessel was admitted to entry inward; and if any goods remain on board after the periods above fixed, the Collector may order the same to be landed and warehoused, for the security of the duties chargeable thereon, and of any freight and primage and other demands that may be due thereon, giving his receipt to the Master for the goods so warehoused; but the Collector or other officer in charge of the Custom House, with the consent of the Master of the vessel, may cause any packages to be brought on shore and to be deposited in the Government warehouse, although the periods above fixed have not expired.

Vessel not to leave port without port-clearance, which shall be applied for 24 hours before departure, and granted only on production of six documents.

LII. No vessel shall depart from any port of the Presidency of Bombay without a port-clearance being granted by the Collector of Customs or other proper officer duly authorized by the Governor of Bombay in Council to grant the same, and application shall be made for such port-clearance at least twenty-four hours before the intended departure of the vessel; and no such port-clearance shall be granted to any square-rigged vessel sailing from the port of Bombay, until the following documents shall have been produced to the Collector of Customs or other officer :—

1st.—The Certificate of Registry of the vessel if registered a British vessel under Act of Parliament, or if registered under the Acts of the Government of India No. X. of 1841, or XI. of 1850, a Certificate of Registry as required by such Acts, or if not registered under either of the aforesaid Acts, then the Pass or sea letter under which the vessel shall be sailing.

2nd.—A certificate from the senior Magistrate of Police, that there is no objection in his department to a port-clearance being granted to the vessel.

3rd.—A like certificate from the Indian Naval Store-keeper of all demands as regards his office on the vessel having been satisfied.

4th.—A like certificate from the Marine Paymaster.

5th.—A like certificate from the Registrar of Shipping.

6th.—A list of the crew and (if any) of the passengers; but if none, then a declaration of the master to such effect.

Provided always, that it shall be lawful for the Governor of Bombay in Council, in any cases of necessity or special emergency, to authorize the granting of such port-clearance without the production of any one or more of the documents hereinbefore enumerated, and on such terms and conditions as he may think fit.

Master at time of applying to deliver Manifest. Penalty for untrue Manifest.

LIII. The Master of every vessel leaving any port in the Bombay Presidency shall, at the time of applying as above prescribed for a port-clearance, deliver to the Collector of Customs or other principal Customs Officer of such port in duplicate a true Manifest of the cargo on board, and if there be no cargo, then a blank Manifest made out according to such form as may be prescribed by the Collector of Customs; and if such Manifest so delivered shall not contain a full and true specification of all goods to be exported in the vessel, the said Master shall be liable to a fine not exceeding One Thousand Rupees; and any goods or packages found on board in excess of the manifest so delivered, or differing in quantity, or in kind, or in marks, or in numbers from the specification contained therein, shall be liable to be seized by any Customs Officer and confiscated, or charged with such increased duties not exceeding the value of such goods or packages as may be determined by the Collector of Customs.

Manifest to be amended, if goods be laden after port-clearance.

LIV. If any goods shall be taken on board of any vessel after port-clearance, it shall be incumbent on the Master of such vessel to amend the export Manifest of such vessel in

presence of the Collector of Customs, unless a special permission be granted by that officer; and the Master of any vessel who may contravene the provisions of this Section, shall be liable to a fine not exceeding One Thousand Rupees.

Penalty for attempt to depart without port-clearance.

LV. If any vessel shall depart or attempt to depart without a port-clearance, as directed by this Act, the Master shall be liable to a penalty not exceeding One Thousand Rupees, which may be recovered from the master or any owner of the vessel.

Transhipment of goods not to be made without special order.

LVI. No transhipment shall be made of any goods except under special order in writing from the Collector of Customs of the port; and an officer of Customs shall in all cases be deputed to superintend the removal of the goods from vessel to vessel; and if any goods are transhipped, or any attempt be made to tranship any goods, without a special order as aforesaid, such goods shall be liable to confiscation.

G. in C. may declare ports of landing and shipment.

LVII. The Governor of Bombay in Council may declare by public notice, in the official Gazette of that Presidency, what places within the same shall be ports for the landing and shipment of merchandise, and any goods landed or attempted to be landed at any other port than such as shall be so declared, shall be seized and confiscated.

Places for landing and shipment to be appointed in every port.

LVIII. There shall be in every port of the Bombay Presidency one or more places for the landing and shipment of goods, and goods shall not be landed or embarked at any other place without the special order in writing of the Collector of Customs for the port; and, if any goods be landed or embarked, or an attempt be made to land or embark any goods at any other than the said authorized places without such order, they shall be seized and confiscated.

G. in C. may make rules for anchorage of Coasting and Country Craft,

LIX. The Governor of Bombay in Council may establish rules for the anchorage of the coasting and country craft of the British territories, for the delivery of Manifests of the cargo of

such vessels, and for the landing of goods therefrom, and shipping and transhipping of goods therein; and whoever, being in charge of any such craft or being owner of the vessel or of any part of her cargo, shall knowingly contravene any such rule, shall be liable to a fine not exceeding One Hundred Rupees for each offence.

and landing, &c., of cargo thereof.

LX. Goods which shall be brought to be passed through the Custom House, either for importation or exportation by sea, shall be liable to confiscation if the packages in which the same may be contained shall be found not to correspond with the description of them given in the application for passing them through the Custom House, or if the contents thereof be found not to have been correctly described in regard to sort, quality or quantity, or if in or among the packages any goods not stated in the application be found concealed in or mixed up with the specified goods.

Goods may be confiscated, if not corresponding with the description in the application.

LXI. Any exported goods which shall be found in the harbour, or any imported goods which shall be found on the wharf, of any port under the Bombay Presidency, shall be liable to confiscation, unless the owner, consignee, or other parties interested in the said goods, shall prove in the case of exported goods that they have been duly passed through the Custom House, or, in the case of imported goods, that they have been landed according to the rules prescribed by this Act, preparatory to their being so passed.

Goods found in the harbour or the wharf may be confiscated, unless duly passed or landed.

LXII. The Governor of Bombay in Council, by an order in Council, may fix and from time to time alter rates of rent to be charged on goods placed in the Government warehouse, or which may be, beyond such period as may be determined by the Governor in Council, lying on the Custom house wharf or other authorized landing places.

G. in C. may fix and alter rates of warehouse rent.

LXIII. The unshipping, carrying, shipping and landing of all goods, and the bringing of the same to the proper place for examination or for weighment, and the putting the same

Importer and exporter to pay incidental expenses of examination or weighment.

into and out of the scales, shall be performed by or at the expense of the importer or exporter of such goods.

Sea goods stored in bulk to be weighed or measured on board.

LXIV. The Collector of Customs, whenever he shall see fit, may require that goods brought by sea and stowed in bulk shall be weighed or measured on board ship before being sent to land, and may levy duty according to the result of such weighing or measurement.

Passengers' baggages and parcels by the mails.

LXV. The Governor of Bombay in Council, from time to time, may issue such rules as appear to him expedient for landing or shipping passengers' baggage and passing the same through the Custom House, and also for landing, shipping and clearing parcels forwarded by Her Majesty's or the East India Company's mails, or by other regular packets and passenger vessels; and when any baggage or parcels are made over to the Custom House Officer, for the purpose of being landed, a fee of such amount as the Governor of Bombay in Council may from time to time direct shall be chargeable thereon, as compensation for the expense and trouble incurred in landing and depositing the same in the Custom House.

Goods attempted to be removed without Pass after being landed.

LXVI. If any person, after goods have been landed and before they have been passed through the Custom House, removes or attempts to remove them with the intention of defrauding the revenue, the goods shall be liable to confiscation, unless it shall be proved, to the satisfaction of the Collector of Customs, that the removal was not sanctioned by the owner or by any person having an interest in or power over the goods; on such proof, the goods shall not be liable to confiscation, but the party or parties so removing or attempting to remove the goods, shall be liable to a fine not exceeding the value of the said goods.

Collector may sell, after notice, any goods not cleared within three months.

LXVII. In case of any goods landed from any vessel not being claimed and cleared from the Custom House within three months from the date of entry of the ships in which such goods were imported, the Collector, after publication of a

description of the same in the Government Gazette, may sell the same on account of the duties and other charges due thereon; and the balance remaining after deducting the said duties and charges shall be held in deposit, and paid to the owner on application; Provided, that such application be made within two years of the sale of the goods, or good reason be shown why such application has not been so made.

G. in C. may license boats specially for landing and shipping merchandise.

LXVIII. If the Governor of Bombay in Council shall see fit for the security of Customs at any port to maintain special establishments of boats for landing and shipping merchandise, or to license and register the cargo boats plying in any ports, then, after due notification thereof, no person shall convey goods to or from any vessel in such port otherwise than in the boats so authorized and prescribed, except under special permit from the Collector of Customs at the port: and any goods, found on board of other boats than those so authorized for the port, shall be liable to be seized by any officer of Customs and shall be liable to confiscation; and the tindal or owner of any such boat shall be liable to a fine not exceeding Fifty Rupees for each offence.

Collector may send one or more officer to remain on board any ship night and day.

LXIX. When the Governor of Bombay in Council shall see fit to maintain at any port an establishment of officers to be sent on board of vessels to watch their unlading and lading, then, after due notification shall have been given that such establishment is so maintained at any port, the Collector of Customs at that port shall have power at his discretion to send one or more officers of such establishment to remain on board of any vessel in such port by night and by day until the vessel shall leave the port, or it shall be otherwise ordered by the Collector.

Penalty for not properly accommodating such Officer and his servant.

LXX. Any Master of such vessel at such port, who shall refuse to receive an officer so deputed with one servant on board, or who shall not afford such officer and servant suitable shelter and accommodation while on board, and likewise furnish them with a due allowance of fresh water if necessary,

and with the means of cooking on board, shall be liable to a fine not exceeding One Hundred Rupees for each day during which such officer and servant continue on board, and shall not be received and provided with suitable shelter and accommodation.

If Collector grant extension of time, the Master shall be charged with the expenses.

LXXI. If application be made to the Collector for an extension of the period allowed in Section 51, of this Act for the discharge of import cargo of any vessel on board of which a Custom House Officer shall have been placed, and the Collector may see fit to grant any such extension, the Master of such vessel shall be charged with the wages of such officer and other expenses, for such period as such officer may be detained on board beyond the period fixed by Section 51, of this Act.

If the lading and unlading be continuous, twenty days shall be allowed for the latter; but if not, thirty days.

LXXII. If any officer shall be placed on board for the purpose of superintending the lading of any vessel, and the unlading and lading of such vessel be continuous, then a period of twenty days shall be allowed for taking in export cargo; and the said period shall be calculated from the termination of the period allowed for discharging cargo by Section 51, of this Act; and the Master thereof shall be charged for the wages and expenses of the Customs Officer on board after the expiration of such additional period. But, if the unlading and lading of any vessel be not continuous, and a Customs Officer is appointed to superintend the lading thereof, then the period of thirty days shall be allowed from the date of entry of the vessel outwards, and the Master of the vessel shall be charged for the wages and expenses of the Customs Officer on board after the expiration of that period.

Taking cargo after unlading of vessel and before her entry outwards.

LXXIII. When the unlading and lading of any vessel is not continuous, the Customs Officer shall be removed from on board such vessel so soon as the import cargo has been fully discharged, and shall be replaced on board such vessel on the entry outwards of such vessel; and the Master of any such vessel who, before a Customs Officer has again been placed

in such vessel, shall put on board or cause or suffer to be put on board of such vessel, any goods whatever, shall be punished with a fine not exceeding One Thousand Rupees, and the goods shall be liable to be relanded for examination at the expense of the shippers, upon requisition to that effect from the Collector of Customs.

Collector may issue search warrant against a Vessel. Penalty for resistance.

LXXIV. Whenever a Collector of Customs shall see cause to direct that any vessel shall be searched, he shall issue his Warrant or written order for such search, addressed to any officer under his authority; and upon production of such order, the officer bearing it may require any cabins, lockers, or bulkheads to be opened in his presence, and if they be not opened upon his requisition, may break the same open; and any goods found concealed, and not duly accounted for to the satisfaction of the Collector of Customs, shall be liable to seizure and confiscation; and any Master or person in charge of a vessel who shall resist such officer, or refuse to allow the vessel to be searched when so ordered by the Collector of Customs, shall be liable for every such offence to a fine not exceeding One Thousand Rupees.

Persons not to be searched, till taken before the Collector or a Justice. Penalty for unreasonable search. Females to be searched only by females.

LXXV. If any Officer of Customs shall see cause to search any person on board, or who shall have landed from any vessel, or any person passing or having passed through the Custom House or any custom station, such person, before being searched, may require such officer to take him before the Collector or a Justice of the Peace, who shall determine whether there is reasonable ground to suppose that such person has any uncustomed or prohibited goods on his person; and if such Collector or Justice shall think there is reasonable ground for such supposition, then he shall direct such person to be searched in such manner as he shall think fit, otherwise he shall forthwith discharge such person; but no female shall be searched otherwise than privately, or by any other person than a female duly authorized by such Collector or Justice; and any officer who shall not take such person with reasonable despatch before such Collector or Justice when so

required, or who shall require any person to be searched without having reasonable ground to suppose that he has uncustomed or prohibited goods on his person, or who shall cause any female to be unlawfully searched, shall be liable to forfeit and pay a sum not exceeding One Hundred Rupees; and if any person, suspected of having any uncustomed or prohibited goods on his person or in his possession, shall, on being questioned by any Officer of Customs in regard thereto, deny the same, and any such goods shall after such denial be found on his person or in his possession, such goods shall be seized and confiscated, and such person shall forfeit double the value of such goods in addition to the goods confiscated.

Search warrant against any house, shop, &c., to be issued only on sworn information.

" LXXVI. Any Officer of Customs acting under the warrant of any Commissioner or Collector of Customs, may take a constable and a sufficient number of peons, (who shall, on the requisitions of the Collector for such purpose, be furnished by the Superintendent of Police in Bombay or the proper police authority in any Zillah,) and between sunrise and sunset may enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance may break open doors, chests, trunks and other packages, and may seize and bring thence any uncustomed or prohibited goods, and put and secure the same in the Custom House Warehouse in the port next to the place whence such goods shall be so taken as aforesaid; and such goods shall be liable to confiscation; Provided always, that no Commissioner or Collector of Customs shall issue any such search-warrant, except upon information on oath or solemn declaration formally laid before him.

No Cargo boat with goods to make fast to Vessel without permit.

LXXVII. No cargo-boat laden with goods intended for exportation by sea shall make fast to, or lie alongside of any vessel on board of which there shall be a Customs Officer stationed, unless there shall be on board the boat, or have been received by the said Customs Officer, a custom house Permit or order for the shipment of the goods, and the goods on board of any boat that may so be alongside, or be made fast to a vessel, and not covered by a custom house Pass accompanying

them, or previously received by the customs officers on board the said vessel, shall be liable to seizure and confiscation.

LXXVIII. All fines, for the recovery of which no special provision is hereinbefore made, may be recovered, on conviction of the offender, before a magistrate or other person competent to adjudicate on the offences, and payment thereof may be enforced under Act II. of 1839.

Fines not otherwise provided for to be recovered before a Magistrate.

*SCHEDULE A.

Rates of Duty to be charged on goods imported by sea into any port of the Presidency of Bombay from any port or place not subject to the Government of the East India Company, or from Aden, or from any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	The Produce or manufacture of The United Kingdom or any British possession. Rate of duty on the value.	The Produce or manufacture of Any other Place. Rate of duty on the value.
9.	Opium covered by a Pass, ...	Free.	
10.	Opium not covered by a Pass,	24 rupees per Seer of 80 Tolahs.	

*SCHEDULE B.

Rates of Duty to be charged on goods exported by sea from any port or place in the Presidency of Bombay to any port or place not subject to the Government of the East India Company, or to Aden, or any port or place in the Straits of Malacca, the Tenasserim Provinces, and the Province of Arracan.

Nos.	Enumeration of Goods.	Rate of duty.
5.	Opium covered by a Pass,.................................. ..	Free.
6.	Opium not covered by a Pass,...............................	Prohibited.
9.	Salt having paid Excise duty as prescribed by Law,...	Free.
10.	Salt not covered by a Pass or Certificate of having paid Excise duty or Import Customs duty, ...	Prohibited.

SCHEDULE C.

Repealed by Act XXII. 1855.

* Schedules A and B are repealed, except as to Salt and Opium, by Act VII. 1859; and Schedule A is farther repealed, with regard to Salt, by Act XXII. 1859.

ACT No. II. OF 1852.

Repealed by Act XXIX. 1857.

BOMBAY.

ACT No. III. OF 1852.

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1. *G. in C. may make arrangements for assessment and collection of Duties on Spirits consistent with this Act.*
2. *Collector may grant licenses under Reg. XXI.* 1827, *S.* 58, *for the manufacture of Spirits.*
3. *Collector may use discretion as to accepting the highest or any other offer for the farm of Abkaree Duties.*
4. *Spirits not to be retailed without license from Collector in specified form.*
5. *Manufacture of spirits under License, to be for exportation or removal only. Contents of License.*
6. *Spirits exceeding a standard of strength prescribed by public notification, to be liable to double Duty or confiscation.*
7. *Spirits not to be removed from place of manufacture without a Pass, certifying payment of duty and specifying certain particulars.*
8. *Collector may take measures to give effect to this Act.*
9. *Spirits imported by land from any port of British India to be liable to the same Duty as Spirits imported by sea.*
10. *Manufacture, or sale, or preparation for sale of any intoxicating drugs or drinks from Bang, Gunjah, &c. prohibited; except under license from Collector, who may refuse or recall such license at any time.*
11. *Spirits not to be adulterated by a mixture of noxious drugs.*
12. *Penalty of Rs.* 500 *for infringing this Act or conditions of any License, or obstructing officers in their duty under this Act.*
13. *Reg. XXI.* 1827, *cl.* 13, *extended to this Act.*
14. *Collector may seize and sell all unlicensed stills, liquor, &c.*
15. *Duties and powers of Collector under this Act to be exercised by a special officer under Reg. XXI.* 1827, *S.* 55.
16. *Powers vested in Collectors by Reg. XXI.* 1827, *cl.* 13, *and Ss.* 12—14 *of this Act, may be exercised by Mamlutdars and Mahalkurees subject to limitation and appeal.*
17. *Officers not to be liable to Civil suits for things done under Reg. XXI.* 1827, *or this Act, bonâ fide and on reasonable grounds.*
18. *Act not to have effect within local jurisdiction of Supreme Court.*

An Act to amend the law relating to spirituous and intoxicating liquors, drugs, and preparations within the territories subordinate to the Presidency of Bombay.

Whereas Chapters XI. and XII. of Regulation XXI. of 1827 of the Bombay Code have been found to be difficult of application in some parts of the territories subordinate to the Presidency of Bombay, owing to local and peculiar causes, It is enacted as follows:

I. The Governor of Bombay in Council may introduce into any part of the said territories such arrangements for the assessment and collection of the revenue derivable from the manufacture and retail sale of spirits, as local circumstances in each case, in the judgment of the said Governor in Council, may require, the same not being inconsistent or incompatible with the provisions of this Act.

G. in C. may arrange for assessment and collection of Duties on Spirits.

II. The Licenses mentioned in Section 58, Clause 1, Regulation XXI. of 1827, of the Bombay Code may be granted by the Collector at his discretion, for the manufacture of spirits at any place within his Collectorate, whether a sudder distillery be there established or not.

Collector may grant licenses for the manufacture of Spirits.

III. It shall not be imperative on the Collector to accept the highest offer for the farm of the Abkaree duties under Section 60, Clause 2, Regulation XXI. of 1827, of the said Code, but the Collector shall be at liberty to use his discretion as to the tender he will accept under the general instructions of Government.

Collector may use discretion as to any offers for the farm of Abkaree Duties.

IV. No person shall directly or indirectly retail in the said territories spirits, however or wheresoever manufactured, except under the authority of a License from the Collector, to be granted in the form of Appendix I. to the said Regulation XXI. of 1827, or in such form, and after payment of such fee, as Government may from time to time appoint.

Spirits not to be retailed without License.

V. Spirits may be manufactured in the said territories for exportation or removal under a License from the Collector, but not otherwise; and such License when granted, shall specify the spirit so authorized to be manufactured, the place

Manufacture of spirits for exportation or removal, to be under License only. Contents of License.

at which, and the period for which the manufacture may be carried on, and that the same is permitted for the purpose of removal or exportation only.

Spirits exceeding a prescribed standard to be liable to double Duty or confiscation.

VI. Spirits manufactured under the last Section shall not exceed the strength, which may, from time to time, be declared by public notification in each district, and shall be liable to the payment of such Duty as the Governor in Council shall, from time to time, impose. Liquor found to exceed the prescribed standard shall be liable to double Duty, or confiscation, at the discretion of the Collector.

Spirits not to be removed from place of manufacture without a Pass.

VII. Spirits manufactured under the fifth Section of this Act shall not be removed from the place of manufacture, except under a Pass from the Collector, certifying the payment of the aforesaid Duty, and specifying the name of the person exporting or removing the same, the quantity of spirits, their destination, the route by which they are to be conveyed, and the dates from and to which the Pass shall be in force, which Pass shall exempt the spirits lawfully removed under it from the payment of any further Duty in their progress through the same territories, excepting always such import or Customs Duty, if any, as may be payable at the place of their destination under any Act or Regulation now or hereafter to be in force.

Collector to give effect to this Act.

VIII. The Collector may place such establishments on the premises where the manufacture of spirits for exportation or removal is permitted, and may adopt such other precautions as may be necessary to give effect to the provisions of this Act having reference thereto.

Spirits imported by land and by sea liable to the same Duty.

IX. Spirits imported by land from any part of the territories of the East India Company, whether subordinate to the Government of Bombay or not, into any other part of the said territories subordinate to the said Government, shall be liable on importation to the same rate of Duty, under the same circumstances and rules as are provided in Section 20,

of Act No. I. of 1852, for amending the Customs laws of the Bombay Presidency with respect to spirits imported by sea.

X. It shall not be lawful, in any part of the territories subject to the Government of Bombay, to manufacture or prepare for sale, or sell directly or indirectly, any intoxicating drugs or materials, or any intoxicating drink or preparation manufactured from Bang, Ganja, Grain, Opium, or other materials, of what nature or description soever, except under a License from the Collector of the Zillah, and it shall be competent to the Collector to refuse or to recall such License whenever he shall deem it expedient, and every such License when granted shall specify the name of the drug, material, drink, or preparation so authorized to be manufactured or sold, the place or district of manufacture or sale, and the length of time for which such License is to run, and any other terms or conditions which the Governor of Bombay in Council may from time to time deem it expedient to require, and such fees shall be demanded from time to time, on the grant of such Licenses, as the said Governor in Council may sanction.

Manufacture, &c., of any intoxicating drugs or drinks from Gunjah, &c., prohibited, except under License.

XI. It shall not be lawful to mix any noxious drug or material in, or by other process to adulterate, spirits manufactured under the provisions of the said Regulation XXI. of 1827, or of this Act.

Spirits not to be adulterated by any noxious drug.

XII. All persons offending against, or aiding others in offending, directly or indirectly, against any of the provisions of this Act, or committing a breach of any of the conditions of a License to be granted under this Act, or obstructing officers or others in the execution of their duties connected with any of its provisions, shall be punished by fine not exceeding Rupees Five Hundred, to be commuted, in default of payment, to imprisonment not exceeding six months; and any person having in his possession intoxicating drinks or preparations manufactured contrary to the provisions of this Act, or for which he is unable satisfactorily to account, shall

Penalty of Rs. 500 for infringing this Act or conditions of any License.

be deemed to be possessed of them illegally, and shall be subject to the penalties above specified.

Reg. XXI. 1827, cl. 13, extended to this Act.

XIII. The powers, conferred on the Collector by Chapter XIII. of the said Regulation XXI. of 1827, shall extend and be applicable to the provisions of this Act, so far as the same are capable of being so applied.

Collector may seize and sell all unlicensed stills, liquor, &c.

XIV. The Collector shall have full powers to seize and destroy all unlicensed liquor, preparations, drugs, or materials, and all unlicensed stills, and to sell the same, if deemed expedient, on behalf of Government.

Duties and powers of Collector under this Act to be exercised by a special Officer under Reg. XXI. 1827, s. 55.

XV. The duties, powers, and authorities hereby vested in the Collector shall devolve upon, and may be lawfully exercised by the officer specially appointed under Section 55 of the said Regulation XXI. of 1827, for the purposes herein mentioned.

Powers vested in Collectors may be exercised by Mamlutdars and Mahalkurrees, subject to limitation and appeal.

XVI. The powers vested in the Collectors of Land Revenue by Chapter XIII. of the said Regulation XXI. of 1827, and by Sections 12, 13, and 14, of this Act, may be exercised by Mamlutdars and Mahalkurees; Provided always, that those Officers shall not be authorized to adjudge any fine exceeding Rupees fifteen in amount, commutable, in default of payment, to twenty days' imprisonment; And provided further, that any order passed by a Mamlutdar or Mahalkuree in virtue of this Act shall be subject to appeal to the Collector or his Assistants, within one month from its date, and that no suit for damages shall be instituted in a Civil Court by persons deeming themselves aggrieved by any proceeding of a Mamlutdar or Mahalkuree under the authority of this Act, unless they shall first have made an appeal to the Collector or his Assistants.

Officers not to be liable for acts done bona fide and on reasonable grounds.

XVII. In all actions or civil suits which may be brought against Collectors, Magistrates or others for acts done by them in carrying out the provisions of this Act, or the provisions of the said Regulation XXI. of 1827, if it shall appear at the trial that the act complained of was done *bonâ fide*, and that there were reasonable and probable grounds for the same, the plaintiff shall be nonsuited with full costs to be paid by him.

Act not to have effect within local jurisdiction of Supreme Court.

XVIII. This Act shall not have effect within the local jurisdiction of Her Majesty's Supreme Court.

ACT No. IV. OF 1852.

1. *Act XXI. 1844, partially repealed.*

2. *Emigrant ships from Calcutta to Jamaica, British Guiana, and Trinidad to sail only between 31st August and 1st March.*

3. *Emigrant ship having two decks, to have a specified space between them.*

4. *Act XXI. 1843, Sec. 1, repealed, and emigration under Act XV. 1842, from Bombay to Mauritius allowed.*

5. *The G. in C. may nominate a Protector of Emigrants at Bombay, and no emigrant to embark without a certificate from the Emigration Agent countersigned by the Protector.*

An Act to amend the law relating to Emigrant Vessels and the emigration of labourers.

Whereas by Section 8, Act XXI. of 1844, it was among other things enacted, that no ship or vessel carrying emigrant laborers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September and the 1st of March next thereafter ensuing: and whereas the said provision was repealed by Act XXV. of 1845, so far as regarded vessels carrying emigrant laborers from Madras, and has been found inconvenient for vessels carrying emigrant laborers from Calcutta; and whereas it is expedient to amend the law relating to the height between decks in emigrant vessels; and whereas by Section 1, Act XXI. of 1843, it was enacted, that emigration to Mauritius should only lawfully take place under the provisions of Act XV. of 1842, from the Port of Calcutta; and whereas by Act VIII. of 1847, the emigration of laborers from the Port of Madras to Mauritius was declared lawful, and it is now expedient to repeal Section 1, Act XXI. of 1843, and to render lawful the emigration of laborers from the Port of Bombay to Mauritius. It is enacted as follows:

Act XXI. 1844, partially repealed.

I. So much of Act XXI. 1844 as is hereinbefore recited, is repealed, so far as regards ships or vessels carrying emigrant laborers from Calcutta.

Emigrant ships from Calcutta to Jamaica, British Guiana, and Trinidad to sail only between 31st August and 1st March.

II. No ships or vessels carrying emigrant laborers to Jamaica, British Guiana, or Trinidad, shall sail from Calcutta at any other time than between the thirty-first day of any August and the first day of March next thereafter ensuing.

Emigrant ship having two decks, to have a specified space between them.

III. No ship or vessel, carrying emigrants and having more than one deck, shall have less than the height of five feet and six inches at the least between decks, and in case such ship or vessel shall have only one deck, a platform shall be laid beneath such deck in such manner as to afford a space of the height of five feet and six inches at the least, and such platform shall not be so laid as that the lower beams shall project above the same, and whatever may be the tonnage of the ship or vessel, no greater number of emigrant laborers shall be taken on board such ship or vessel than shall be after the rate of one emigrant laborer for every seventy-two cubic feet of space between decks, or between the deck and platform, unoccupied by goods or stores not being the personal luggage of such emigrant laborers, any thing in Act XV. of 1842, or in the Schedule therein mentioned, to the contrary notwithstanding.

Emigrant under Act XV. 1842, from Bombay to Mauritius allowed.

IV. Section 1, Act XXI. of 1843 is hereby repealed, and from and after the passing of this Act, emigration to Mauritius may lawfully take place under the provisions of Act XV. of 1842, from the Port of Bombay, as well as from the Ports of Madras and Calcutta.

Emigrant not to embark without a certificate countersigned by the Protector of Emigrants.

V. The Governor in Council of Bombay may nominate a proper person to act as Protector of Emigrants at Bombay, and no emigrant shall be permitted to embark without a certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by such Agent, on the part of the said Government, as an emigrant to Mauritius.

ACT No. V. OF 1852.

Recites Stat. 14 and 15, Vict. C. 40.

1. *One of the parties to every intended Marriage under the above statute to give notice in form A to the Marriage Registrar of the district where the parties dwell, stating certain particulars.*

2. *Notice to be filed, and copy entered in the Marriage Notice Book, which shall be open to inspection without fee.*

3. *Notice how to be published in ordinary cases, and how in the case of minors.*

4. *Certificate not to be published in case of minors, till after 14 days from time of Notice.*

5. *If minor be resident in one of the Presidency Towns, the Supreme Court may order Certificate in less than 14 days.*

6. *Certificate to be in form B.*

7. *If either party be a Native Christian, the Marriage Registrar shall ascertain that the purport of the Notice and Certificate are understood.*

8. *Issue of Certificate may be forbidden in specified manner.*

9. *If the Registrar doubt whether the person forbidding has legal authority to forbid, he may refer to the Supreme Court, the Zillah Judge or the G. G. in C. according to the situation of the district.*

10. *If Registrar in an allied Native State refuse Certificate, either of the parties may petition the G. G. in C.*

11. *Marriages to be solemnized between 6 a. m. and 7 p. m.*

12. *Care to be taken that Native Christians understand the declarations made at the Marriage.*

13. *In suit as to validity of Marriage, proof not to be required or given of Notice, Certificate, Translations, or Hours.*

14. *Penalty on Marriage Registrar issuing Certificate more than 3 months, or in case of minor within 14 days, after Notice entered, or at all in case of authorized forbiddal. Penalty on person solemnizing Marriage in the absence of the District Registrar, or in case of minor within 14 days from Notice entered, without judicial sanction.*

15. *Registrars in allied Native States to transmit Certificates of Marriage to the Foreign Secretary.*

16. *False oath or declaration or forbiddal to be perjury.*

17. *Prosecution to be commenced within 2 years.*

18. *Marriage Registrars in allied Native States how to be appointed, and to receive what fees. Power to remit three-fourths of the fees, reporting the grounds to Government.*

19. *Salaries of Registrars in Presidency Towns not to exceed Rs. 50 a month.*

20. *The Magistrate to be Marriage Registrar in case of temporary vacancy in the office.*

21. *Search to be allowed, and Certificate to be given, on payment of specified Fee.*

22. *Destruction or falsification of Registrar Book, or giving a false Certificate, to be felony.*

23. *Accidental errors may be formally corrected within one month after discovery.*

24. *Act not to affect Marriages by persons in holy orders, or under 58, Geo. III. c. 84, or between Hebrews.*

25. *Petitions under Section 5 to be on unstamped paper.*

26. *Act to commence from 1st February, 1852.*

An Act for giving effect to the provisions of an Act of Parliament, passed in the 15th year of the reign of Her present Majesty, entituled "An Act for Marriages in India."

Recites Stat. 14 and 15, Vict. C. 40.

Whereas by an Act passed in the Session of Parliament holden in the Fourteenth and Fifteenth years of the reign of Her present Majesty, entituled, "An Act for Marriages in India," it was enacted (among other things) that it should be lawful for the Governor-General of India in Council from time to time, by laws and regulations, (not inconsistent with the provisions of the said Act of Parliament,) to be made in the manner, and subject to the provisions by law required in respect of laws and regulations made by the said Governor-General of India in Council, to provide for the inspection and publication of Notices of Marriage given under the said Act of Parliament, for the custody and protection from injury of Marriage Register Books, for appeals from and references in case of doubt by the Marriage Registrars in relation to Marriages forbidden or Protests entered under the said Act of Parliament, for fixing the hours between which Marriages might be solemnized under the said Act of Parliament, for appointing the officers to whom Certificates were to be transmitted by the Marriage Registrars, and generally for giving effect to the provisions of the said Act of Parliament, It is hereby enacted as follows:

One of the parties to intended Marriage to give

I. In every case of Marriage intended to be solemnized in India, after the first day of February next, under the provi-

sions of the said Act of Parliament, one of the parties shall give Notice in writing, in the form of Schedule (A) to this Act annexed, or to the like effect, to any Marriage Registrar of the District within which the parties shall have dwelt for not less than five days then next preceding, or, if the parties dwell in different Districts, shall give the like Notice to a Marriage Registrar of each District, and shall state therein the name, and surname, and the profession or condition of each of the parties intending Marriage, the dwelling place of each of them, and the time, not being less than five days, during which each has dwelt therein, and the Church, Chapel, or other building in which the Marriage is to be solemnized; Provided that, if either party shall have dwelt in the place stated in the Notice during more than one Calendar month, it may be stated therein that he or she hath dwelt there one month and upwards.

notice in form A to the Marriage Registrar of the district.

II. The Marriage Registrar shall file all such Notices, and keep them with the Records of his office, and shall also forthwith enter a true copy of all such Notices fairly into a book, to be for that purpose furnished to him by the Government, to be called the "Marriage Notice Book," and the Marriage Notice Book shall be open, at all reasonable times, without Fee, to all persons desirous of inspecting the same.

Notice to be filed, and copy entered in the Marriage Notice Book.

III. The Marriage Registrars or Registrar of all Districts in the British Territories in India shall respectively publish all such Notices of Marriage given in their respective Districts, by causing a copy of such Notices to be affixed in some conspicuous place in their respective offices, or, where such Registrars are Ministers of the Christian Religion, ordained or otherwise set apart to the Ministry of the Christian Religion, such Notices shall be affixed in some conspicuous place in the Church or Chapel or place of worship in which such Ministers respectively officiate. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, every Marriage Registrar shall, within twenty-four hours after the receipt by him of the Notice of such Marriage, send, or cause to be sent, by the Post or otherwise, a copy of

Notice how to be published in ordinary cases, and how in the case of minors.

such Notice to all the other Marriage Registrars (if any) in the same District, who shall likewise affix the same in some conspicuous place in their own offices or Chapels as aforesaid.

Certificate not to be published, in case of minors, till after fourteen days.

IV. Where, by the oath or declaration required by the sixth Section of the said Act of Parliament, it appears that one of the parties intending Marriage (not being a widow or widower,) is under twenty-one years of age, the Marriage Registrar shall not issue his Certificate under the provisions of the second Section of the said Act of Parliament, until the expiration of fourteen days after the entry of such Notice of Marriage.

If minor be resident in a Presidency Town, the Supreme Court may order Certificate in less than fourteen days.

V. When one of the parties intending Marriage (not being a widow or widower) is under twenty-one years of age, and both parties intending Marriage are at the time resident in any of the Towns of Calcutta, Madras, or Bombay, and are desirous of being married in less than fourteen days after the entry of such Notice as aforesaid, it shall be competent for both parties intending Marriage to apply by petition to the Supreme Court of such Town, or any Judge thereof, for an order upon the Marriage Registrar to whom the Notice of Marriage has been given, directing him to issue his Certificate at some time before the expiration of the said fourteen days required by Section 4, of this Act. And it shall be competent to the said Supreme Court, or any Judge thereof, on sufficient cause being shown, in their or his discretion, to make an order upon such Marriage Registrar, directing him to issue his Certificate, at any time to be mentioned in the said order, before the expiration of the said fourteen days required by Section 4; and the said Marriage Registrar, on receipt of the said order, shall proceed to issue his Certificate in accordance therewith.

Certificate to be in form B.

VI. The Certificate to be issued by the Marriage Registrar, under the provisions of the second Section of the said Act of Parliament, may be in the form of Schedule B. to this Act annexed, or to the like effect, and the Government of each Presidency or place shall furnish to every Marriage Registrar, a sufficient number of forms of Certificate.

VII. When any Native Christian, about to be married, applies for or tenders a Notice of Marriage, or applies for a Certificate from a Marriage Registrar, such Marriage Registrar shall ascertain whether the said Native Christian understands the English language, and if he does not, the said Marriage Registrar shall translate such Notice or Certificate, or both of them, as the case may be, or shall cause the same to be translated to such Native Christian, in the language of such Native Christian, or the said Marriage Registrar shall otherwise ascertain whether such Native Christian is cognisant of the purport and effect of the said Notice and Certificate.

If either party be a Native Christian, the Marriage Registrar shall ascertain that the Notice and Certificate are understood.

VIII. Any person authorized in that behalf may forbid the issue of the Marriage Registrar's Certificate, by writing, at any time before the issue of such Certificate, the word "forbidden" opposite to the entry of the Notice of such intended Marriage in the Marriage Notice Book, and by subscribing thereto his or her name and place of abode, and his or her character, in respect of either of the parties, by reason of which he or she is so authorized, and the said word "forbidden," so written and subscribed as aforesaid, shall be deemed a protest, within the meaning of the seventh Section of the said Act of Parliament.

Issue of Certificate may be forbidden in specified manner.

IX. In all cases where a Marriage Registrar, acting under the provisions of the fourth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is authorized by law so to do, the said Marriage Registrar shall apply by petition, which may in all cases be on unstamped paper, where the district of such Registrar is within any of the Towns of Calcutta, Madras, and Bombay, to the Supreme Court of Judicature in the Presidency or place within which such district is comprised, or if such district be not within any of the said Towns, then to the Judge of the Zillah or District within which the same is comprised, and the said petition shall state all the circumstances of the case, and pray for the order and direction of the Court concerning the same, and the said Supreme Court, or any Judge

If the Registrar doubt the legal authority of the person forbidding, he may refer to the Supreme Court, the Zillah Judge or the G. G. in C.

thereof, or such Judge of the Zillah or District, shall be empowered to examine into the allegations of the petition and the circumstances of the case in a summary way, and if upon such examination it shall appear that the person forbidding the issue of such Certificate is not authorized by law so to do, such Supreme Court, or any Judge thereof, or such Judge of the Zillah or District, shall declare that the person forbidding the issue of such Certificate is not authorized as aforesaid, and then and in such case such Certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such Marriage as if the issue of such Certificate had not been forbidden by such person. And in all cases where a Marriage Registrar, appointed to act within the territories of any Native Prince or State in alliance with the East India Company acting under the provisions of the sixth Section of the said Act of Parliament, shall not be satisfied that the person forbidding the issue of the Certificate is not authorized by law so to do, the said Marriage Registrar shall transmit a statement of all the circumstances of the case, together with all documents and papers relating thereto, to the Governor-General of India in Council, and if it shall appear to the said Governor-General of India in Council that the person forbidding the issue of such Certificate is not authorized by law so to do, the said Governor-General of India in Council shall declare that the party forbidding the issue of such Certificate is not authorized as aforesaid, and then and in such case such Certificate shall be issued, and the like proceedings may be had under the said Act of Parliament in relation to such Marriage, as if the issue of such Certificate had not been forbidden by such person.

If Registrar in an allied Native State refuse Certificate, either of the parties may petition the G. G. in C.

X. In all cases whatsoever, where a Marriage Registrar resident in the territories of any Native Prince or State in alliance with the East India Company has refused to issue his Certificate, it shall be lawful for either of the parties intending Marriage to apply by Petition to the Governor-General of India in Council, and the said Governor-General of India in Council shall be empowered to examine the allegations of the Petition

in a summary way, and shall decide thereon, and the decision of the said Governor-General of India in Council shall be final, and the Marriage Registrar, to whom the application was originally made, shall proceed in accordance therewith.

Marriages to be solemnized between 6 a.m. and 7 p.m.

XI. Every Marriage solemnized under the provisions of the said Act of Parliament shall be so solemnized between the hours of six in the morning and seven in the evening.

Care to be taken that Native Christians understand the declarations.

XII. When any Native Christian is married under the provisions of the said Act of Parliament, the party solemnizing the said Marriage shall ascertain whether such Native Christian understands the English language, and if he does not, the party solemnizing the said Marriage shall, at the time of the solemnization thereof, translate, or cause to be translated, to such Native Christian, in the language of such Native Christian, both the declarations made at such Marriage in pursuance of Section 2 of the said Act of Parliament.

In suit as to validity of Marriage, proof not to be required or given of Notice, Certificate, Translations, or Hours.

XIII. After any Marriage has been solemnized under the said Act of Parliament, it shall not be necessary, in support of such Marriage, to give any proof in respect of the Notice of Marriage, of the Certificate, or the translation thereof respectively, or in respect of the hours between which any Marriage may be solemnized, or in respect to the said translations of the said declarations in Section 9 of the said Act of Parliament contained, nor shall any evidence be given to prove the contrary in any suit touching the validity of such Marriage.

Penalty for issuing Certificate more than three months or in case of minor within fourteen days after Notice entered, or at all in case of authorized forbiddal.

XIV. Every Marriage Registrar who shall knowingly and wilfully issue any Certificate for Marriage after the expiration of three Calendar months after the Notice shall have been entered by him as aforesaid, or who shall knowingly and wilfully issue, without the order of a competent Court authorizing him so to do, any Certificate for Marriage, where one of the parties intending Marriage (not being a widower or widow) is under twenty-one years of age, before the expiration of fourteen days after the entry of such Notice, or any Certificate, the issue of which shall have been forbidden as aforesaid by any person authorized to forbid the issue thereof,

shall be guilty of felony. And every person who shall knowingly and wilfully solemnize any Marriage under the provisions of the said Act of Parliament in the absence of a Registrar of the District in which such Marriage is solemnized, or who shall knowingly and wilfully solemnize any Marriage, where one of the parties to such Marriage (not being a widower or widow) is under twenty-one years of age, within fourteen days after the entry of the Notice of Marriage, no order for the issue of a Certificate in less than fourteen days having been made by a competent Court, shall be guilty of felony.

Registrars in allied Native States to transmit Certificates to the Foreign Secretary.

XV. The Marriage Registrars in the territories of any Native Prince or State in alliance with the East India Company shall transmit the Certificates mentioned and referred to in the twelfth Section of the said Act of Parliament to the Secretary for the Foreign Department of the Government of India.

False oath declaration forbiddal to perjury.

XVI. Every person who shall knowingly and wilfully make any false oath or declaration, or sign any false Notice or Certificate, required by the said Act of Parliament or this Act, for the purpose of procuring any Marriage, and every person who shall forbid the issue of a Marriage Registrar's Certificate, by falsely representing himself or herself to be a person whose consent to such Marriage is required by law, knowing such representation to be false, shall, on conviction, suffer the penalties of Perjury.

Prosecution to be commenced within two years.

XVII. Every prosecution under this Act shall be commenced within the space of two years after the offence committed.

Marriage Registrars in allied Native States how to be appointed and to receive what fees. Power to remit fees.

XVIII. The Governor-General of India in Council may appoint any Covenanted or Uncovenanted Servant of the Company, being a Christian, or any Minister of the Christian religion, ordained or otherwise set apart to the Ministry of the Christian religion, according to the usage of the persuasion to which he may belong, to be a Marriage Registrar in any District, to be assigned by the Governor-General of India in Council, in any place within the territories of any Native Prince or State in alliance with the East India Company: and

the said Marriage Registrar shall be entitled to receive the following fees; that is to say, for receiving each Notice of Marriage, one rupee, for publishing each Notice of Marriage, two rupees, for the issuing of each Certificate, five rupees, for every Marriage forbidden or Protest entered, ten rupees, and for registering each Marriage, three rupees; and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury as in the said Act of Parliament mentioned. Provided always, that in any case in which it shall appear to the satisfaction of the Marriage Registrar, that the parties intending Marriage, or married, under the provisions of the said Act of Parliament, are in indigent circumstances, it shall and may be lawful for the said Marriage Registrar, in his discretion, to remit some part, but not more than three-fourths, of the said fees respectively, and in each and every such case of remission of fees, the Marriage Registrar shall report the circumstances thereof, and the grounds on which the remission is made, for the information of the Governor-General of India in Council.

XIX. It shall be lawful for the Government of each Presidency or place to pay any one Marriage Registrar of Calcutta, Madras and Bombay, or of any other District where a considerable number of persons likely to avail themselves of this Act are resident, such salary as they shall think fit, not exceeding the sum of Co.'s Rs. fifty per month.

Salary of Registrar not to exceed Rs. 50 a month.

XX. When there is only one Marriage Registrar in a District, and such Registrar is absent from such District, or ill, or in case of the death of the only Marriage Registrar in a District, or of any temporary vacancy in such office, the Magistrate of such District shall act as, and be, Marriage Registrar thereof, during such absence, illness, or temporary vacancy as aforesaid.

The Magistrate to be Marriage Registrar on temporary vacancy.

XXI. Every Marriage Registrar, or other person who shall have the custody for the time being of the Register of Marriages under this Act, shall at all reasonable times allow searches to be made of any Register Book in his custody, and

Search to be allowed and Certificate given on payment of Fee.

shall give a copy, certified under his hand, of any entry or entries in the same, on the payment of the fees hereinafter mentioned, (that is to say,) for every search extending over a period of not more than one year, the sum of one rupee, and four annas additional for every additional year, and the sum of one rupee for every single Certificate, and all such fees shall be accounted for and paid over by the Marriage Registrar to the Government Treasury.

Destruction or falsification of Registrar Book, or giving a false Certificate, to be felony.

XXII. Every person who shall wilfully destroy or injure, or cause to be destroyed or injured, any such Register Book, or the counterfoil Certificates thereof, or any part or certified copy thereof, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any part of such Register Book, or of such counterfoil Certificates, or of certified copies thereof, or shall wilfully insert or cause to be inserted, in any Register Book or counterfoil copy or certified copy thereof, any false entry of any Marriage, or shall wilfully give any false Certificate, or shall certify any writing to be a copy or extract of any Register Book, or counterfoil copy thereof, knowing the same Register Book or counterfoil copy to be false in any part thereof, shall be guilty of felony.

Accidental errors may be formally corrected within one month after discovery.

XXIII. Any person charged with the duty of registering any marriage, who shall discover any error to have been committed in the form or substance of any such entry, may, within one calendar month next after the discovery of such error, in the presence of the parties married, or in case of their death or absence, in the presence of two other credible witnesses, who shall respectively attest the same, correct the erroneous entry according to the truth of the case, by entry in the margin without any alteration of the original entry, and shall sign the marginal entry, and add thereunto the day of the month and year when such correction shall be made, and he shall make the like marginal entry, attested in the like manner, in the counterfoil Certificate thereof, to be made by him as in the said Act of Parliament mentioned, and in case such counterfoil Certificate shall have been already transmitted

to the Secretary of Government of the Presidency or place within which he resides, he shall make and transmit in like manner a separate counterfoil Certificate of the original erroneous entry, and of the marginal correction therein made.

Act not to affect Marriages by persons in holy orders, or under 58 Geo. III. c. 84, or between Hebrews.

XXIV. Nothing in this Act contained shall be construed to extend to the Registration of Marriages which may be solemnized in India by persons in Holy Orders, or under the provisions of the Act of the 58th year of King George the Third, Chapter 84, or to the Registration of any Marriage solemnized between any two persons professing the Jewish religion, and nothing herein contained shall affect the right of any Officiating Minister to receive the fees now usually paid for the performance or registration of any marriage.

Petitions under Section 5 to be on unstamped paper.

XXV. All petitions, presented in pursuance of Section 5 of the said Act of Parliament, may be so presented on unstamped paper.

Act to commence from 1st February, 1852.

XXVI. This Act shall commence and take effect from and after the first day of February 1852.

SCHEDULE (A.)

NOTICE OF MARRIAGE.

To *Mr John Cox*, a Registrar of the District of *Calcutta* in *Bengal*.

I hereby give you Notice, that a Marriage is intended to be had, within three Calendar Months from the date hereof, between me and the other party herein named and described.

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which Marriage is to be solemnized.	District in which the other party resides, when the Parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of Full Age.*	*16, Clive Street.*	*23 Days.*	*Union Chapel, Dhurrumtollah.*	
Martha Green.	*Spinster.*	....	*Minor.*	*20, Hastings' Street.*	*More than a Month.*		

Witness my Hand this *Sixth* Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *James Smith.*

(The *Italics* in the Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)

SCHEDULE (B.)

REGISTRAR'S CERTIFICATE.

I, *John Cox*, a Registrar of the District of *Calcutta* in *Bengal*, do hereby Certify, that on the *6th* day of *May*, Notice was duly entered in my Marriage Notice Book of the said District of the Marriage intended between the parties therein named and described, delivered under the Hand of *James Smith* one of the Parties, (that is to say,)

Name.	Condition.	Rank or Profession.	Age.	Dwelling Place.	Length of Residence.	Church, Chapel, place of worship, or building in which the Marriage is to be solemnized.	District in which the other Party dwells when the Parties dwell in different Districts.
James Smith.	*Widower.*	*Carpenter.*	*Of Full Age.*	*16, Clive Street.*	*23 Days.*	*Union Chapel, Dhurrumtollah.*	
Martha Green.	*Spinster.*	....	*Minor.*	*20, Hastings' Street.*	*More than a Month.*		

Date of Notice entered *6th May* 1852.
Date of Certificate given *20th May* 1852.

The Issue of this Certificate has not been forbidden by any Person authorized to forbid the issue thereof.

Witness my Hand this *Twentieth* Day of *May, One Thousand Eight Hundred and Fifty-two.*

(Signed) *John Cox*, Registrar.

This Certificate will be void unless the Marriage is solemnized on or before the *6th* day of *August* 1852.

(The *Italics* in the Schedule to be filled up as the case may be, and the blank division thereof is only to be filled up when one of the Parties lives in another District.)

ACT No. VI. OF 1852.

Repealed by Act. XIII. 1854.

ACT No. VII. OF 1852.

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1 *Heads of District Police may try Salt cases, when the value does not exceed Rs. 5,—and may imprison for 10 days or fine Rs. 3.*

2. *If such punishment be deemed inadequate, the case may be reported to the Magistrate.*

3. *If no answer be received from the Magistrate within 30 days, the offender shall be discharged, and shall not be tried again.*

4. *Heads of district Police to report all cases tried by them under this Act.*

An Act for amending Act XVII. of 1840 as to penalties for breaches of the Salt Laws in the Madras Presidency.

Whereas inconvenience has been experienced in consequence of the Head Officers of District Police in the Madras Presidency being prohibited from taking cognizance of petty offences against the Salt Laws, It is enacted as follows:

Heads of District Police may try Salt cases, when the value does not exceed Rs. 5.

I. Heads of District Police may hear and determine cases of offences against the Salt Laws, when the value of the Salt in question shall not exceed five Rupees, and may inflict punishment not exceeding ten days' imprisonment with labor, or a fine not exceeding three Rupees, commutable, if not paid, to imprisonment with labor for a period not exceeding ten days.

If punishment be deemed inadequate, the case may be reported to the Magistrate.

II. Whenever a Head Officer of District Police shall be of opinion that the punishment which he is empowered to inflict is not adequate to the offence committed, he shall report the case to the Magistrate for his final orders, stating precisely the nature and extent of the punishment he recommends to be inflicted; and the Magistrate shall, at his discretion, issue his orders in writing to the Head Officer of Police, to inflict such punishment as the Magistrate may deem sufficient, not exceed-

ing that declared in Act XVII. of 1840, recording his reasons, if his opinion is at variance with the opinion of the Head Officer of Police; or the said Magistrate shall order the Head Officer of Police to forward the parties and witnesses to him for further investigation.

If no answer be received within thirty days, the offender shall be discharged, and shall not be tried again.

III. If, at the expiration of thirty days from the date and day of despatch of any reference from a Head Officer of District Police to a Magistrate, no answer or order of the Magistrate shall have been received by the Head Officer of Police, then the said Head Officer shall release the offenders, and the confinement which they have so had shall be considered a sufficient punishment for the said offence, and they shall not be liable to be again tried for the same.

Heads of District Police to report all cases tried.

IV. Heads of District Police shall report to the Magistrates, in the manner prescribed by Clause 2, Section 33, Regulation XI. of 1816, of the Madras Code, all punishments which they inflict by the authority vested in them by this Act.

ACT No. VIII. OF 1852.

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1. *The Sudder Courts to establish tables of fees to be taken by Sheriff for execution of process from Mofussil Courts. Such fees to be prepaid by applicant.*

2. *Such tables to be submitted for approval by the Local Government.*

3. *Account to be kept of such fees by the Court issuing process.*

4. *Government to pay over to the Sheriff the amount of such fees half yearly.*

5. *Or may compound with the Sheriff for monthly payment instead of fees.*

6. *Over and above such fees, the Sheriff to receive two and half per cent. on levy.*

7. *No fees but those fixed by the Sudder Court, to be taken for execution against the person.*

8. *In case of escape, Sheriff to be liable to action for damages, not to an action of debt.*

An Act for remunerating the Sheriffs of Calcutta, Madras, and Bombay for the execution of Mofussil process under Act XXIII of 1841.

For making better provision for the Sheriffs of Calcutta, Madras, and Bombay, in remuneration for the execution of legal process issued by Courts out of the said towns respectively, It is enacted as follows :

Sudder Courts to establish tables of fees to be taken by Sheriff for execution of process from Mofussil Courts. Such fees to be prepaid.

I. The several Sudder Courts of the Presidency of Fort William in Bengal, and the Sudder Courts of the Madras and Bombay Presidencies respectively, shall make, and from time to time amend, a Table of reasonable fees, to be taken on account of the execution by the Sheriff in such Presidency of any legal process issued by any Court, Judge, or Magistrate, beyond the jurisdiction of the several Supreme Courts established by Royal Charter in Calcutta, Madras, and Bombay, and of the sums to be allowed for costs of advertisements or other notifications of sales of property, according to the amount of the decrees to be satisfied by such sales,—which fees and sums shall be payable by the party applying for the process before it is sent to the Sheriff for execution, and shall be deemed costs in the cause.

Such tables to be submitted for approval by the Local Government.

II. The said Table of fees and sums, when made or amended as aforesaid, shall be submitted by the Sudder Court of the Lower Provinces of the Presidency of Fort William to the Governor of Bengal, and by the Sudder Court of the North-Western Provinces of the said Presidency to the Lieutenant-Governor of those Provinces, and by the Sudder Courts of Madras and Bombay respectively to the Governor in Council of the Presidencies in which such Courts respectively have jurisdiction, for his approval; and the said Table of fees and sums shall have full force and effect, and the fees and sums therein mentioned may be lawfully demanded and taken, from and after the approval thereof by the said Governor, Lieutenant-Governor, or Governor in Council, as the case may be.

Account to be kept of such fees by the Court issuing process.

III. Every such Court, Judge, and Magistrate, issuing process as aforesaid, shall cause a separate account to be kept

of the amount of all fees and sums so paid, and shall from time to time, as directed by Government, cause the amount thereof to be paid into the local Treasury.

Government to pay over to the Sheriff the amount of such fees half yearly.

IV. The Government of each of the Presidencies and Provinces aforesaid shall twice in each year account for and pay over to the Sheriff, for the time being, the amount for fees and sums so paid, after deducting all necessary expenses of receiving and keeping account thereof, and remitting the nett proceeds thereof to Calcutta, Madras, or Bombay, as the case may be; or, where the amount has accrued in the shrievalty of more than one Sheriff, shall apportion the sum paid accordingly between the Sheriff for the time being, and the then late Sheriff.

Or may compound with the Sheriff for fixed monthly payment.

V. The said Governments respectively may compound with the Sheriff for a monthly payment to be made to him instead of such fees and sums, and during such composition may appropriate the said fees and sums to the purposes of Government.

Sheriff to receive also, two and half per cent. on levy.

VI. Over and above such fees and sums, or any such monthly payment received instead of such fees and sums, the Sheriff shall be entitled to a fee after the rate of Two Rupees Eight Annas for each Hundred Rupees of the value of any goods or property taken and sold by him in execution of any process issued by any Court, Judge, or Magistrate beyond the local jurisdiction of the said Supreme Courts, which fee shall be taken to cover all expenses connected with the seizure and sale, except the expense of advertisements.

No fees but those fixed by the Sudder Court, to be taken for execution against the person.

VII. No fee estimated upon the amount of the sum for which any person is taken in execution, shall be payable to the Sheriffs of Calcutta, Madras, or Bombay, or any of their Bailiffs for taking the body of any person in execution on any process issued by any Court, Judge, or Magistrate out of the local jurisdiction of the said Supreme Courts respectively; but instead thereof, such fees shall be payable to the Sheriff for taking the body of any person in execution of any such process

as shall be settled, from time to time, by the Sudder Court as aforesaid.

VIII. If any person taken in execution on any such process shall escape out of the legal custody of the Sheriff, the Sheriff shall not be liable to an action of debt for such escape, but shall be liable only to an action upon the case for damages in consequence of such escape sustained by the person or persons at whose suit the prisoner was taken. In case of escape, Sheriff to be liable to action for damages, not to action of debt.

ACT No. IX. OF 1852.

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1 *Reg I. of 1832, repealed*

2. *The jagheer of Bithoor included within the district of Cawnpore*

3 *All cases, Civil and Criminal, to be tried by the ordinary Courts of the district of Cawnpore.*

4. *Previous final decisions of competent Court not to be affected by this Act.*

An Act to repeal Regulation I. of 1832 of the Bengal Code.

Whereas a tract of land situated near the town of Bithoor, in the district of Cawnpore, was granted by the British Government as a jagheer during pleasure to the Maharajah Bajee Row Behadoor; and whereas by Regulation I. of 1832 of the Bengal Code, it was (among other things) enacted, that from and after the passing of that Regulation, the jurisdiction of the Courts of Civil and Criminal Judicature, and the operation of the General Regulations, should not extend to the tract of land aforesaid, and that the said Maharajah should exercise the Civil and Criminal administration of the jagheer, subject to such control as therein mentioned; and whereas the said Maharajah Bajee Row died on the 28th day of January, 1851, and it is now expedient to repeal the said Regulation I. of 1832; It is declared and enacted as follows :

I. Regulation I. of 1832, of the Bengal Code, is hereby repealed. Reg. I. of 1832, repealed.

... heer of Bithoor included within the district of Cawnpore.

II. The said tract of land being part of the district of Cawnpore, all Laws and Regulations, now in force within such district, shall be in force in the said tract of land.

All cases, Civil and Criminal, to be tried by the ordinary Courts of the district of Cawnpore.

III. All cases, Civil or Criminal, in which the cause of action arose, or the offence was committed within the said tract of land before the passing of this Act, may be tried and determined by the Courts of the said district of Cawnpore, and the General Laws and Regulations now in force in such district may be applied and administered by the said Courts in the trial and determination of such cases; but if in any case it shall appear that the application of the said Laws and Regulations would operate unjustly if applied to the trial and determination of such case, it shall be lawful for such Courts to try and determine the same according to equity and good conscience.

Previous final decisions of competent Court not to be affected by this Act.

IV. Provided always, that no Court shall try or determine any case, Civil or Criminal, with respect to which a final decision may have been pronounced previous to the said 28th day of January, 1851, by any Court or person within the said tract of land, having at the time of such decision, lawful power and authority to pronounce it.

ACT No. X. OF 1852.

Repealed by Act XXVIII 1856.

ACT No. XI. OF 1852.

Recites want of jurisdiction of the ordinary Courts over claims against Government for Inams and other Rent-free estates in newly-acquired territories, and expediency of determining such claims without delay.

1. *No order of Government as to resumption of Lands in any district not brought under the General Regulations by Reg. XXVIII. of* 1827, *to be questioned in any Court of Law.*

2 *G. in C. may appoint Inam Commissioners, with Assistants and establishments, in any of the districts above mentioned.*

3. *Commissioner and Assistant to act according to Rules in Sch. A*

4. *Titles of claimants to be adjudicated according to rules in Sch. B.*

5. *Inam Commission and his Assistants to have same authority for procuring attendance of witnesses, taking evidence, and inflicting penalties as the ordinary Civil Courts. Appeal to be only under Schedule A. Rule 2.*

6. *All acts of abuse by any Officer employed under this Act to be punishable with fine and 5 years' imprisonment, but not so as to preclude Civil remedy.*

7. *No decision or order of Inam Commissioner to be questioned in any Court, no person to be liable for any thing done or ordered under this Act.*

An Act for the Adjudication of Titles to certain Estates claimed to be wholly or partially Rent-free in the Presidency of Bombay.

Whereas in the Territories of the Deccan, Kandeish, and Southern Mahratta Country, and in other Districts more recently annexed to the Bombay Presidency, claims against Government on account of Inams and other Estates wholly or partially exempt from payment of Land Revenue are excepted from the cognizance of the ordinary Civil Courts, and incapable of being justly disposed of under the Rules for the determination of Titles, and the Rules of Procedure contained in Chapters IX. and X. of Regulation XVII. of 1827 of the Bombay Code and their Supplements; and whereas it is desirable that the said claims should be tried and determined without further delay, It is declared and enacted as follows.

No order of Government as to resumption of Lands in any Non-Regulation district to be questioned in any Court of Law.

I. The Rules in Chapters IX. and X. of Regulation XVII. of 1827, and in Clause 1, Regulation VI. of 1833 of the Bombay Code, do not apply to any of the Districts of the Bombay Presidency which were not brought under the General Regulations of Government by Regulation XXVIII. of 1827 of the Bombay Code; and no order hitherto passed regarding the continuance or resumption of lands in any of the said Districts held or claimed from Government as wholly or partially free of assessment, shall be liable to be questioned in any Court of Law, on the grounds of any interpretation or construction of the Law, which may be inconsistent with the declarations made and the rules prescribed by this enactment.

G. in C. may appoint Inam Commissioners with Assistants and establishments in any of the districts above mentioned.

II. The Governor of Bombay in Council may appoint in any Zillah or other division of the Territories subject to the Presidency of Bombay, which were not brought under the General Regulations of Government by the said Regulation XXVIII. of 1827, an Inam Commissioner with so many Assistants, and such subordinate Establishment, as may be necessary for the purposes hereinafter mentioned.

Commissioner and Assistant to act according to Rules in Sch. A.

III. The duties of each Inam Commissioner and his Assistants shall be discharged according to the Rules in Schedule A. annexed to this Act.

Titles of claimants to be adjudicated according to Rules in Sch. B.

IV. In the adjudication of claims to exempt lands or interests therein, the titles of claimants shall be determined by the Rules in Schedule B. annexed to this Act.

Inam Commissioner, &c., to have same authority for certain purposes as the ordinary Civil Courts. Appeal to be only under Schedule A. Rule 2.

V. Each Inam Commissioner and his Assistants shall have the same authority to procure the attendance of witnesses, and to take evidence, as now is, or from time to time may be, by Law vested in the ordinary Civil Courts: and so far as concerns the penalties for not giving evidence, for false testimony, for resistance of process, contempts, and other like matters, connected with cases under cognizance by any one of the said Officers, his Office shall be held to be a Court of Civil Jurisdiction of the same authority as the superior Civil Court of the Zillah or District in which his Office from time to time shall be established. Provided that all complaints against, or appeals from the proceeding of the Inam Commissioner or any of his Assistants in exercise of the authority conferred on them respectively by this Section, shall be made under the second Rule of Schedule A. annexed to this Act, and shall not be cognizable by any other authority or in any other manner than as therein specified.

Penalty for acts of abuse by Officer employed under this Act.

VI. Bribery, extortion, and generally all acts of abuse, or misapplication of authority, or other misconduct, committed by any Officer belonging to the Establishment of the Inam Commission, or temporarily employed therein under the provisions of this enactment, shall be punishable as criminal

offences with fine and ordinary imprisonment without labour for a period not exceeding five years, and the receipt of a present, directly or indirectly, by any such Officer from any person against whom or in whose behalf he may be officially employed, shall be considered extortion. And no penalty or punishment adjudicated under this Clause shall preclude any other Civil prosecution to which the offender may be liable.

No decision or order of Inam Commissioner to be questioned in any Court.

VII. No decision or order of the Inám Commissioner, or of any of his Assistants, or of the Governor in Council, under the provisions of this enactment, so long as the same shall be in force under such provisions, shall be questioned or avoided in any Court of Law; and no Commissioner or Assistant Commissioner, or other person acting under the provisions of this Act, shall be liable to be sued in any Civil Court for any act *boná fide* done or ordered to be done by him in pursuance of the said provisions.

SCHEDULE A.

Rules for defining the Duties of each Inam Commissioner and his Assistants.

1. The duty of the Inam Commissioner and his Assistants shall be to investigate, in the manner prescribed by this enactment, the titles of persons holding or claiming against Government the possession or enjoyment of Inams or Jagheers, or any interest therein, or claiming exemption from the payment of Land Revenue, and generally to act according to the instructions of Government in all matters not specifically provided for in this enactment.

2. All orders of the Assistant Commissioners shall be appealable to the Inam Commissioner, who shall also have the authority of revising and of modifying, reversing or annulling, if necessary, their orders and proceedings, and the orders and proceedings of the Inam Commissioner shall be in like manner appealable to, and subject to modification, reversal, or annulment by the Governor of Bombay in Council, whose orders shall in every case be final.

3. The Inam Commissioner or his Assistants shall receive from the persons holding or claiming to hold lands or any interest therein exempt from the payment of Revenue, statements explaining the nature of the title by which the lands or interests are so held, and shall take and record the evidence offered in support of such statements.

4. These statements may be received, either directly by the Officers of the Inam Commission, or through the medium of the Revenue Authority of the Talooka in which the land or interest so held or claimed as exempt is situated, or in which the alleged proprietor resides, without any previous procedure, except a general invitation to such landholders of a District who shall hold or claim to hold lands exempt as aforesaid to state the nature of their titles.

5. But when such general invitation is not sufficiently attended to, a notice may be issued to any party holding or claiming to hold any lands or any interest therein wholly or partially exempt as aforesaid, requiring him personally, or by his Agent, to shew his title. The notice issued in such cases shall state the nature of the investigation which is intended, and shall call upon the alleged proprietor of the exempt lands or interest held or claimed to be held exempt as aforesaid, to attend either personally or by an authorized Agent, at a specified place, and within a specified period, (which shall never be less than two months from the date of the notice being served,) to explain the nature of his title to hold such lands or interest exempt as aforesaid, and to produce all the evidence forthcoming to prove it. The notice shall further explain that a failure to comply with its terms will render the land, or interest to which it relates, liable to attachment.

6. The notice shall be served upon the party holding or claiming to hold the land or interest exempt as aforesaid, or, if his place of residence be not known, upon the person acting for him, or in default of such, upon the person in charge of the land or interest.

7. If such persons cannot be found, a notice shall be posted in the Office of the Native Revenue Officer of the District, and in the Choree or most public place of the village, where the land or interest under inquiry is situated, calling on

any person who may claim as proprietor to appear, either personally or by his Agent, to prove his title within six months from the date of the notice, under penalty of the attachment of the land or interest, and on failure of the appearance of a claimant, the land or interest shall be liable to attachment.

8. The attachment provided for by Rules 5 and 7 shall be enforced by the Collector or Chief Revenue Authority of the District in which the land to which it relates is situated, at the written requisition of the Inam Commissioner or his Assistant, which shall be a sufficient warrant to the Collector for the attachment of the land, and for the collection of the rents accruing therefrom on account of Government during its attachment.

9. As soon as possible after the receipt of the statements in each District, and of the evidence by which they are supported, they shall be tested by the entries in the Government accounts and State records, and by any other evidence procurable, whether in favor of Government or of the claimants, and decisions shall then be passed on them as to the continuance, resumption, or full or partial assessment of the lands.

10. In cases where the notices, provided for in Sections 5 and 7, fail to procure the attendance of the persons to whom they are addressed, and no claimant appears to prosecute his claim, the Commissioner or Assistant Commissioner shall proceed to ascertain the facts of the case from such evidence as may be forthcoming or procurable, and shall pronounce such decision thereupon as to him shall seem just regarding the lands or interests to which the notices referred.

11. An attachment enforced under Rule 8 shall be removed by the Collector or Chief Revenue Authority by whom it was made, on receipt of a communication from the Inam Commissioner or his Assistant, certifying that he considers the attachment to be no longer necessary; but the rents collected from the land during its attachment shall in no case be restored to the alleged proprietor, except under the general or special instructions of Government.

12. Certified copies of decisions, made according to the provisions of Rule 9, shall be delivered as soon as possible after

each decision is passed, to the persons on whose claims the decision shall have been pronounced, or their agents ; and copies of all decisions made in the absence of any claimant, according to the provisions of Rule 10, shall be sent to the Mamlutdar, or other Revenue manager, of the talook in which the lands to which they relate are situated, who shall deliver them to the parties affected by them, should they be discoverable, or otherwise cause them to be publicly posted in the village to which the lands in question belong.

13. Decisions, affecting any lands or any interests therein, passed under this enactment, shall be carried into execution by the Collector or Chief Revenue Authority of the District in which the lands to which they relate are situated, at the requisition of the Inam Commissioner or his Assistant, in any manner which may, from time to time, be prescribed by the Governor of Bombay in Council.

14. In all cases where a person may be desirous of appealing against any decision of the Inam Commissioner or his Assistants, he shall apply by a petition, addressed to the Authority by whom, according to Rule 2, his appeal is cognizable, which petition shall be presented to such Authority within one one hundred days from the date of the decree appealed against, a copy of which must accompany the petition of appeal, and no appeal which is not so made shall be admitted, without proof of the existence of a just and necessary cause for its not having been preferred in due time ; and it is hereby provided, that no decree passed by the Inam Commissioner or any of his Assistants shall be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

SCHEDULE B.

Rules for the adjudication of Titles to Estates claimed as Inam or exempt from payment of Land Revenue.

1. All lands held under a specific and absolute declaration by the British Government, or any competent officer acting under it, that they were to be continued hereditarily or

in perpetuity exempt, wholly or partially, from the payment of Revenue, are to be so continued according to the purport of such declaration.

Provision 1*st*.—If any question shall arise as to the competency of the officer to make or give such declaration as aforesaid, the Commissioner or Assistant Commissioner is to suspend his judgment, and report the circumstances of the case to the Governor of Bombay in Council, to whom a power is hereby reserved of determining finally whether such officer was competent to make or give such declaration, and the Commissioner or Assistant Commissioner, upon receiving the determination of the said Governor in Council, shall decide accordingly.

2. Any land held under a sunnud declaring it to be hereditary, shall be so continued according to the terms of the sunnud.

Provision 1*st*.—Provided that the grant was either made, or specifically recognized, by Authority competent to alienate Government Revenue in perpetuity, the question of which recognition and competency is to be referred to and determined by Government in the manner prescribed by provision 1st, Rule 1.

Provision 2*nd*.—And provided that there be nothing in the conditions of the tenure which cannot be observed without a breach of the laws of the land, or the rules of public decency.

Provision 3*rd*.—And provided that the grant was not afterwards revoked or disallowed, or an alteration of its terms ordered or recognized by a competent authority.

3. All lands uninterruptedly held as wholly or partially exempt from assessment for a period of sixty years before the introduction of the British Government, and then in the authorized possession of a grandson in male descent, or male heir of the body of such grandson of the original grantee, shall continue to be so held so long as there shall be in existence any male heir of the body of the person who was incumbent at the introduction of the British Government, tracing his lineage from such incumbent through male heirs only.

4. All lands, uninterruptedly held as wholly or partially

exempt from assessment, for a period of forty years before the introduction of the British Government, and then in the authorized possession of a son, or male heir of the body of a son of the original grantee, are to be continued for one succession further than that of the person who was incumbent at the introduction of the British Government, that is, until the death of his last surviving son.

Provision 1st.—The authorized possession contemplated by Rules 3 and 4 does not involve the necessity of proving any specific authority from, or recognition by, the Government or Paramount Power. The mere entry of the holding, as continued in the genuine accounts of the District Officers (even in those not audited and passed by the Government of the time being,) will be sufficient to bring it under the heads of "uninterrupted" and "authorized" so far as regards the purposes of this Rule; provided only that there are no entries in the Collectorate accounts, which shew that the holding of such lands exempt as aforesaid must have been unauthorized by the Government or Paramount Power.

Provision 2nd.—If there be not evidence forthcoming to disprove a claimant's assertion that his holding has been undisputedly enjoyed for the number of years and descents requisite to fulfil the conditions of Rules 3 and 4 respectively, his prescriptive right shall be admitted.

Provision 3rd.—The introduction of the British Government is to be reckoned from the time the East India Company became the Government or Paramount Authority over each District as regards its Inams. In the Territories ceded by or conquered from the Peshwa, therefore, whether Khalsat Mehals or Serinjams, &c., held exclusive of Inams, &c., the introduction of the British Government will date from the close of that of the Peshwa. But in case of the lapse of an independent principality, or of a jagheer more ancient than the Peshwa's Government, and over the Inams of which he did not claim any authority, the introduction of the British Government should be reckoned only from the date at which the general management of the Districts may have come into the hands of the Company, and in case any question shall arise as to the

precise date when the East India Company became the Government over any district, or when the general management of any District came into their hands, such question shall be referred to and determined by Government in the manner prescribed by Provision 1st, Rule 1.

6. Land held as wholly exempt from payment of Revenue, or on partial assessment, the possession of which is not continuable under the preceding Rules, is to be resumed on the demise of the incumbent.

Provision 1st.—In case the incumbent at the time of the introduction of the British Government may have died, the permission to hold for life is to be extended to the person in whose name the land may be continued when the investigation is commenced, if there be no fraud apparent, nor other reason for withholding this indulgence.

Provision 2nd.—When land is evidently held by fraud recently committed, (as when an Inam which was resumed under the late Government has been re-occupied under the present Government without authority, or as when a pretended Inam is found to have originated since the introduction of this Government with the connivance of District or Village Officers), it shall be at once resumed, not being continuable under this or any of the preceding Rules.

7. All lands held for the support of Mosques, Temples, or similar Institutions, of the permanent character of which there can be no doubt, are to be continued permanently, even though their permanent continuance may not have been expressly provided for when they were granted.

Provisions 1st, 2nd and 3rd.—The same as the corresponding Provisions of Rule 2 of the Schedule in those cases in which Title Deeds or other Records proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Provision 4th.—When there is no proof forthcoming to shew whether or not an Inam, coming under the provisions of this Rule, was granted, or even specifically recognized by a competent authority, still, if it has been undisputedly enjoyed for a period of forty years before the introduction of the present

Government, it shall be permanently continued, and enjoyment proved by the mere entry of the Inam, as continued in genuine account of the District Officers, (even in those not passed by the Government of the time being,) is to be considered sufficiently "uninterrupted" to give an Inam the benefit of this provision, if there be no entries in the Government accounts which shew that it must have been unauthorized by them.

Provision 5th.—If the forthcoming records do not go far enough back to test the existence of enjoyment of the duration contemplated in Provision 4th as establishing full prescriptive title in such Inams, still, if so far as they do go, they are not opposed to the claimant's assertion that sufficient enjoyment has taken place, the prescriptive title of the Inam shall be admitted according to his assertions, unless there be other evidence forthcoming to disprove them.

Provision 6th.—The peculiar advantages of this Rule shall not apply to the holdings of individuals in their own names for the performance of ceremonial worship, claims to which must be decided under the Rules for personal claims.

Provision 7th.—When claims of the denomination coming under this Rule are found to be unsupported by proof of original valid title, and are proved void of sufficient prescriptive enjoyment, they are to be adjudicated according to Rule 6.

8. All land authorizedly held by an official tenure which it is evident from local usage was meant to be hereditary, and has been so considered heretofore, even though there be no sunnuds declaring it to be so,—for instance, Inams which from the authorized emoluments of any hereditary office, as of Kazees, Village Joshees, &c., and are not merely personal,—are to be continued permanently.

Provisions 1st, 2nd and 3rd.—The same as the corresponding Provisions of Rule 2 of this Schedule in those cases in which Title Deeds or other Records, proving the circumstances of the original grant, or its specific recognition by competent authority, are forthcoming.

Provision 4th.—When there is no proof forthcoming to shew whether or not an Inam, coming under the provisions of this Rule, was granted or even specifically recognized by

competent authority, still if it has been undisputedly enjoyed as an official and not merely personal holding from the earliest period to which the forthcoming evidence does relate, it shall be continued permanently as official emolument, unless the claimant's own statement renders this course improper.

Provision 5th.—The provisions of this Rule are not in any way to apply to emoluments continued for service performed to the State, as the Service Wuttuns of Desaees, Surdesaees, Nurgowdas, Deshpandes, Patells, Coolkurnees, Mhars, Tulwars, whose claims are to be disposed of according to the Rules which are or may be established for the regulation of such holdings.

Provision 6th.—It is to be understood that mere length of enjoyment of land as Inam by an official person is not of itself sufficient to entitle a claim to be brought under this Rule.

Provision 7th.—If a holding claimed under this Rule, be found incapable of permanent continuance under it, the claimant shall be allowed the advantages of any of the preceding Rules of this Schedule which may be applicable to his case.

9. On the resumption of any lands under the Rules of this Schedule, a moiety, or other portion may be continued to the Widows of the last incumbents during their lives, in cases of proved poverty and destitution.

Provision 1st.—In the case of a holding, which is recognizable as an hereditary personal Inam, the widow of a proprietor who dies without surviving male issue, or other heirs to whom his Inam will of necessity descend, is by right his sole heir, and during her life, the Inam cannot be regarded as having lapsed to Government: it should therefore, in such a case, be continued undiminished during the widow's life.

10. These Rules shall not be necessarily applicable to Jageers, Serinjams, or other tenures for service to Government, or tenures, of a Political nature, the titles and continuance of which shall be determined as heretofore under such Rules as Government may find it necessary to issue from time to time.

11. Any of these Rules may be relaxed in favour of claimants under instructions from the Governor of Bombay in

Council, in whom shall also be vested the power of interpreting the precise meaning of any of the Rules respecting which a question may arise.

ACT No. XII. OF 1852.

Repealed, with the exception of Section 50, by Act XIV 1856. Section 50, repealed by Act XXVIII 1856

ACT No. XIII. OF 1852.

Repealed by Act XIII 1856.

ACT No. XIV. OF 1852.

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1 *Extending Acts XXIV 1841 and XVII 1843 to Straits Settlements*
2. *Extending provisions of above Acts relating to Supreme Court, to Court of Judicature of Straits Settlements*

An Act for extending the provisions of Acts XXIV. of 1841 and XVII. of 1843, to the Straits Settlement

Whereas doubts have been entertained whether Acts XXIV. of 1841, and XVII. of 1843, are in force in the Settlement of Prince of Wales' Islands, Singapore and Malacca; It is hereby enacted as follows

I. The provisions of Acts XXIV. of 1841, and XVII. of 1843, shall be applicable and in force in the said Settlement.

II. All provisions contained in Act XXIV. of 1841, and Act XVII. of 1843, relating to Her Majesty's Supreme Courts shall be applicable to the Court of Judicature of the said Settlement, and shall be respectively construed as, if, instead of the words Her Majesty's Supreme Courts, or Her Majesty's Supreme Courts of the respective Presidencies, or the Supreme Court of each of the Presidencies, the words, "The Court of Judicature of Prince of Wales' Island, Singapore and Malacca," had been therein mentioned.

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*ACT No. XV. OF 1852.

1 *Act VII 1844, Sec 1, partially repealed*

2 *Parties to a civil suit to be admissible as witnesses on either side.*

3 *No person compellable to criminate himself, nor husband and wife to give evidence for or against each other*

4 *Act not to apply to proceedings for adultery or breach of promise of marriage*

5 *Nor to repeal Act XXV 1838*

6 *On application before issue joined, Courts may compel parties to give inspection and copies of documents, where equity would grant discovery*

7 *Certain Acts of State, judicial proceedings and legal documents, to be provable by examined or certified copies without proof of seal or signature, or judicial character of person signing*

8 *Register of Vessels and Certificates of Registry to be admissible without proof of signature, and to be prima facie evidence of matters recited or endorsed*

9 *Conviction or acquittal of prisoner to be provable by certificate of the Clerk of the Court where he was tried*

10 *Books and documents of a public nature to be provable by examined and certified copies, and Officer bound to furnish such copies on payment of specified fee*

11 *Officer knowingly certifying an untrue copy or extract to be liable to 18 months imprisonment*

12 *Courts, Commissioners, arbitrators &c authorized to administer Oaths*

13 *Forgery of seal, stamp or signature of any document mentioned herein or knowingly uttering the same, to be a felony punishable by 7 years transportation or 3 years imprisonment Court may impound the document The prisoner may be tried where apprehended, and accessaries, where the principal is tried*

14 *Act to take effect from 10th April, 1852*

An Act to amend the Law of Evidence.

Whereas it is expedient to amend the law of Evidence in divers particulars, It is hereby enacted as follows

I. So much of Section 1 of Act VII of 1844 as provides that the said Act shall "not render competent any party to any suit, action, or proceeding individually named — **Act VII 1844, Sec 1, partially repealed.**

* See Act II 1855.

in the record, or any lessor of the plaintiff or tenant of premises sought to be recovered in ejectment, or the landlord or other person in whose right any defendant in replevin may make cognizance, or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part," is hereby repealed.

Parties to a civil suit to be admissible as witnesses on either side.

II. On the trial of any issue joined, or of any matter or question, or any inquiry arising in any suit, action, or other proceeding in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive and examine evidence with respect to or concerning any suit, action, or other proceeding in any of such Courts, the parties thereto, and the persons in whose behalf any such suit, action, or other proceeding may be brought or defended, shall, except as hereinafter excepted, be competent and compellable to give evidence, either *vivâ voce*, or by deposition, according to the practice of the Courts, on behalf of either or any of the parties to the said suit, action, or other proceeding.

No person compellable to criminate himself, nor husband and wife to give evidence for or against each other.

III. But nothing herein contained shall render any person, who in any criminal proceeding is charged with the commission of any indictable offence, or any offence punishable on summary conviction, competent or compellable to give evidence for or against himself or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent or compellable to give evidence for or against his wife, or any wife competent or compellable to give evidence for or against her husband.

Act not to apply to proceedings for adultery or breach of promise of marriage.

IV. Nothing herein contained shall apply to any action, suit, or proceeding in any Court of Common Law, or in any Ecclesiastical Court, instituted in consequence of adultery, or to any action for breach of promise of marriage.

Nor to repeal Act XXV. 1838.

V. Nothing herein contained shall repeal any provision contained in Act XXV. of 1838.

VI. Whenever any action or other legal proceeding shall henceforth be pending in any of Her Majesty's Courts, such Court and each of the Judges thereof may respectively, on application made for such purpose by either of the litigants, compel the opposite party to allow the party making the application to inspect all documents in the custody or under the control of such opposite party relating to such action or other legal proceeding, and, if necessary, to take examined copies of the same, or to procure the same to be duly stamped, in all cases in which, previous to the passing of this Act, a discovery might have been obtained by filing a bill, or by any other proceeding in a Court of Equity at the instance of the party so making application as aforesaid to the said Court or Judge. *Provided always, that every such application shall be made as aforesaid before issue joined in any such action, and twenty-one days before the trial or hearing of any other legal proceeding.**

Courts may compel parties to give inspection and copies of documents, where equity would grant discovery.

VII. All Proclamations, Treaties, and other Acts of State of any Foreign State, or the East India Company, or of any territory under the government of the East India Company, or of any British Colony, and all judgments, decrees, orders, and other judicial proceedings of any Court of Justice in any Foreign State, or in any of the territories under the government of the East India Company, or in any British Colony, and all affidavits, pleadings, and other legal documents filed or deposited in any such Court, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by examined copies, or by copies authenticated as hereinafter mentioned; that is to say, if the document sought to be proved be a Proclamation, Treaty, or other Act of State, the authenticated copy to be admissible in evidence must purport to be sealed with the Seal of the Foreign State, or of the East India Company, or of the territory under the government of the East India Com-

Certain Acts of State, judicial proceedings and legal documents to be provable by examined or certified copies without proof of seal, or signature, or judicial character of person signing.

* Repealed by Act II 1855, Sec 52.

pany, or of the British Colony to which the original document belongs; and if the document sought to be proved be a judgment, decree, order, or other judicial proceeding of any Foreign or Colonial Court, or of any Court *without* the territories under the government of the East India Company, or an affidavit, pleading, or other legal document filed or deposited in any such Court, the authenticated copy to be admissible in evidence must purport either to be sealed with the Seal of the Foreign or Colonial Court, or Court *within* the Territories under the Government of the East India Company to which the original document belongs, or in the event of such Court having no Seal, to be signed by the Judge, or if there be more than one Judge, by any one of the Judges of the said Court, and such Judge shall attach to his signature a statement in writing on the copy that the Court whereof he is a Judge has no Seal; but if any of the aforesaid authenticated copies shall purport to be sealed or signed as hereinbefore respectively directed, the same shall respectively be admitted in evidence in every case in which the original document could have been received in evidence, without any proof of the Seal, where a Seal is necessary, or of the signature, or of the truth of the statement attached thereto, where such signature and statement are necessary, or of the judicial character of the person appearing to have made such signature and statement.

Register of Vessels and Certificates of Registry to be admissible without proof of signature, and to be prima facie evidence of matters recited or endorsed.

VIII. Every Register of a Vessel kept under Act X. of 1811, or under any of the Acts of Parliament relating to the registry of British Vessels, may be proved in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, either by the production of the original, or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the person having the charge of the original, and which person is hereby required to furnish such certified copy to any person applying at a reasonable time for the same, upon payment of the sum of one Rupee; and every such Register, or such copy of a Register, and also every Certificate of Registry granted under the said

Act or any of the Acts of Parliament relating to the registry of British Vessels, and purporting to be signed as required by law, shall be received in evidence in any of Her Majesty's Courts of Justice, or before any person having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, as *primâ facie* proof of all matters contained or recited in such Register, when the Register, or such copy thereof as aforesaid, is produced, and of all the matters contained or recited in or endorsed on such Certificate of Registry, when the said Certificate is produced.

Conviction or acquittal of prisoners to be provable by certificate of the Clerk of the Court.

IX. Whenever in any proceeding whatever it may be necessary to prove the trial and conviction or acquittal of any person charged with any indictable offence, it shall not be necessary to produce the record of the conviction or acquittal of such person, or a copy thereof, but it shall be sufficient that it be certified, or purport to be certified, under the hand of the Clerk of the Court or other Officer having the custody of the records of the Court where such conviction or acquittal took place, or by the Deputy of such Clerk or other Officer, that the paper produced is a copy of the record of the indictment, trial, conviction, and judgment or acquittal, as the case may be, omitting the formal parts thereof.

Books and documents of a public nature to be provable by examined and certified copies, and Officer bound to furnish such copies.

X. Whenever any book or other document is of such a public nature as to be admissible in evidence on its mere production from the proper custody, and no Statute or Act exists which renders its contents provable by means of a copy, any copy thereof, or extract therefrom, shall be admissible in evidence in any of Her Majesty's Courts of Justice, or before any person now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence as aforesaid, provided it be proved to be an examined copy or extract, or provided it purports to be signed and certified as a true copy or extract by the Officer to whose custody the original is entrusted, and which Officer is hereby required to furnish such certified copy or extract to any person applying at a reasonable time for the same, upon payment of a reasonable

sum for the same, not exceeding four annas for every folio of ninety words.

Officer knowingly certifying an untrue copy or extract to be liable to eighteen months' imprisonment.

XI. If any Officer authorized or required by this Act to furnish any certified copies or extracts shall wilfully certify any document as being a true copy or extract, knowing that the same is not a true copy or extract, as the case may be, he shall be guilty of a misdemeanor, and be liable, upon conviction, to imprisonment for any term not exceeding eighteen months.

Courts, Commissioners, arbitrators, &c, authorized to administer Oaths

XII. All Her Majesty's Courts within the British Territories under the Government of the East India Company, and every Judge and Justice of such Courts, and every Officer, Commissioner, Arbitrator or other person, now or hereafter having, by law or by consent of parties, authority to hear, receive, and examine evidence with respect to or concerning any suit, action, or other proceeding in any of such Courts, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

Forgery of seal, stamp or signature of any document mentioned herein, to be a felony. The prisoner may be tried where apprehended, and accessaries, where the principal is tried.

XIII. If any person shall forge the seal, stamp, or signature of any document in this Act mentioned or referred to, or shall tender in evidence any such document with a false or counterfeit seal, stamp, or signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to transportation for seven years, or to imprisonment for any term not exceeding three years, nor less than one year, with hard labor; and whenever any such document shall have been admitted in evidence by virtue of this Act, the Court, or the person who shall have admitted the same, may, at the request of any party against whom the same is so admitted in evidence, direct that the same shall be impounded and be kept in the custody of some Officer of the Court or other proper person, for such period and subject to such conditions, as to the said Court or person shall seem meet; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted, tried,

and, if convicted, sentenced, and his offence may be laid and charged to have been committed in the place in which he shall be apprehended or be in custody; and every accessary before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in any place in which the principal offender may be tried.

XIV. This Act shall come into operation from and after the tenth day of April, One thousand eight hundred and fifty-two. **Act to take effect from 10th April, 1852.**

ACT No. XVI. OF 1852.

Repealed by Act XVIII. of 1862, Sec. 56, except as to offences not punishable under the Indian Penal Code.

ACT No. XVII. OF 1852.

Repealed by the Charter constituting the High Court.

ACT No. XVIII. OF 1852.

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1. *Certain Sections of Regulations XXVI. and XXVII. 1814, and X. 1829, and of Act I. 1846, repealed.*
2. *Pleader to be liable to dismissal on conviction of a criminal offence, or declaration by a competent Court of professional dishonesty.*
3. *Conviction or Declaration how to be proved.*
4. *Procedure for dismissal of pleader.*
5. *Judges of Sudder Court may dismiss pleaders practising there, and Zillah Judges may dismiss pleaders of their own and subordinate Courts.*
6. *An appeal to lie to the Sudder Court from order of dismissal by Zillah Judge.*
7. *Pleaders not to be fined, except under Act XXX. 1841.*

An Act to amend the law relating to Pleaders in the Lower Provinces of the Presidency of Bengal.

Whereas the laws in force relating to pleaders, practising in the Courts of the East India Company in the Lower Pro-

vinces of the Presidency of Bengal, require amendment, It is enacted as follows :

Certain Laws partially repealed.

I. Clause 4, Section 5, Regulation XXVI. of 1814, and Sections 6, 7, 8, 10, 11, 13, 14, 15, Clause 3, Section 9, and Clause 6, Section 20, of Regulation XXVII. of 1814, and Section 18, Regulation X. of 1829, of the Bengal Code, and Sections 10 and 11, of Act I. of 1846, so far as regards the said Courts and the pleaders therein, are hereby repealed.

Pleader to be liable to dismissal on conviction of a criminal offence or declaration by a competent Court of professional dishonesty.

II. Any pleader practising in the said Courts shall be liable to dismissal on proof of his conviction by a competent Court of a criminal offence, or on proof of a declaration or finding by a competent Court, in a suit or proceeding to which such pleader was a party, that he has knowingly committed a breach of trust, or for fraudulent or dishonest conduct in the discharge of his professional duty.

Conviction or Declaration how to be proved.

III. When a competent Court has convicted a pleader of a criminal offence, or has declared or found, in a suit or proceeding to which such pleader was a party, that he has knowingly committed a breach of trust, the Court competent to dismiss such pleader may make an order for his dismissal, on the production of an authenticated copy of the judgment or decision containing such conviction, declaration, or finding, and on proof, to the satisfaction of the Court, that such judgment or decision has not been set aside or reversed, and that the pleader is the party to whom such conviction or decision relates.

Procedure for dismissal of pleader.

IV. When any pleader is charged with fraudulent or dishonest conduct in the discharge of his professional duty, by any person or Court, the Court competent to make an order for his dismissal, shall serve, or cause to be served, upon such pleader a copy of the charge or charges brought against him, and also a notice of the day appointed by the said Court for the hearing of such charge or charges, and such copy and notice shall be served upon the said pleader at least twenty clear days before

the day appointed for such hearing: and on the hearing of the said charge or charges, the Court shall receive all such relevant evidence as shall be properly tendered by, or on behalf of, the Court or party bringing the charge or charges, or by the said pleader, and shall proceed to adjudicate on the said charge or charges in a summary way, and shall record its decision, and the reasons on which the same is grounded. Provided always, that the Court which is competent to dismiss a pleader shall also be competent to bring a charge or charges and proceed against him as aforesaid, and may also hear and adjudicate upon such charge or charges in manner hereinbefore mentioned. Provided also, that the evidence of witnesses on such hearing shall be taken and made upon oath, and every witness who shall give false evidence at such hearing shall be liable on conviction to punishment for perjury, in like manner as witnesses examined in civil or criminal trials.

Sudder Court may dismiss pleaders practising there, and Zillah Judges may dismiss pleaders of their own and subordinate Courts.

V. The power of dismissing pleaders practising in the Sudder Court of the said provinces is vested in the Judges of that Court; the power of dismissing pleaders practising in the Courts of the Zillah Judges, or in Courts subordinate to them, in the said provinces is vested in the Zillah Judges, respectively.

An appeal to lie to the Sudder Court from order of dismissal by Zillah Judge.

VI. An appeal from the order of any Zillah Judge, for the dismissal of a pleader, may be made to the Sudder Dewanny Adawlut, according to the rules in force for the admission of appeals.

Pleaders not to be fined except under Act XXX. 1841.

VII. It shall not be lawful for any of the said Courts of the Lower Provinces of the said Presidency to impose any fine on any pleader practising in the said Courts, except such fine as may be imposed under the provisions of Act XXX. of 1841.

ACT No. XIX. OF 1852.

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1. *Reg. I. 1813, repealed, and also Stat. 33, Geo. III. c. 52, Sec. 159 as regards Madras.*

2. *The collection of Abkaree Revenue in the towns and suburbs of Madras placed under the Collector, controlled by the Board.*

3. *Collector empowered to appoint Abkaree officers.*

4. *Penalty of Rs. 500 for retail sale of spirituous or fermented liquors without a License from Collector. Exception.*

5. *"Retail sale" defined.*

6. *Board to regulate the form and provisions of Licenses, but every License to specify certain matters distinctly.*

7. *Penalty of Rs. 500 for sale of country Spirits or of Toddy in larger quantities than specified. Exception.*

8. *Person taking out License to execute an exact counterpart.*

9. *Collector may withhold or recall a License, giving 15 days' notice.*

10. *Spirits manufactured East of the Cape of Good Hope, not to be removed from Custom House or Warehouse without Permit.*

11. *Spirits distilled by the European process, to be gauged and tested, and kept either in the custody of the Importer under security, or in joint custody of Collector and Importer, or in Sea Custom Warehouse.*

12. *Repealed.*

13. *Collector after demand in writing may levy arrears of tax, &c., by distress and sale, but not after 2 years.*

14. *Penalty of Rs. 50, besides forfeiture, for breach of any condition of a License, whether owing to default of Servant or Master.*

15. *Penalty of Rs. 500 for having in possession, or carrying without a Pass, a greater quantity of Spirits &c. than specified in Sec. 5.*

16. *All liquors and vessels containing them, found in possession of an offender, to be confiscated. Animals and conveyances may also be confiscated.*

17. *Any Abkaree Officer above a peon may search, by night or day, houses or shops of licensed retailers.*

18. *Retailer to keep his License at the licensed place, and show it on demand to any Abkaree Officer.*

19. *Abkaree Officer may detain any person possessing or carrying Spirits, &c. without a Pass; and may seize liquors, Vessels, Animals and conveyances.*

20. *Collector may by Warrant authorize any Abkaree Officer above a Jemadar, in the day time and in presence of a Peace Officer, to search any place for liquor unlawfully kept. Search of Zenanas.*

21. *Penalty of Rs. 500, upon Peace Officer refusing to aid Abkaree Officer on demand.*

An Act for securing the Abkarry Revenue of Madras.

For better securing the Abkaree Revenue of the Town and Suburbs of Madras, It is enacted as follows:

Reg. I. 1813, repealed, and also Stat. 33, Geo. III. c. 52, Sec. 159.

I. Regulation I. of 1813 of the Madras Code, and so much of Clause 159 of an Act of Parliament numbered Chapter LII. of the Statutes passed in the thirty-third year of King George the Third, as relates to the sale of Arrack or other spirituous liquors within the Town of Madras, and to the punishment of unlicensed traders in spirits or spirituous liquors within the said Town, are repealed.

The Akbaree Revenue in the town and suburbs of Madras placed under the Collector, controlled by the Board.

II. The collection of the Revenue arising from the retail sale of spirituous or fermented liquors within the Town and Suburbs of Madras shall be under the charge of the Collector of Madras, who shall perform the duties connected therewith under the control of the Board of Revenue.

Collector empowered to appoint Abkaree officers.

III. The Collector may appoint Conicopolies, Pygusts, Jemadars, Peons and other officers for collection of the said Revenue and prevention of smuggling; and the officers so appointed, besides their ordinary respective designations, shall be styled "Abkarry Officers."

Penalty for retail sale of spirituous or fermented liquors without a License.

IV. Every person who shall sell by retail any spirituous or fermented liquors within the Town and Suburbs of Madras, without a license for that purpose under the hand and seal of the Collector of Madras, shall be liable to a fine not exceeding Five Hundred Rupees for each sale, but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wine, or Spirits, as may appear to the Collector to be intended only as samples.

"Retail sale" defined.

V. A sale of European Spirits in a less quantity than two and a half gallons old Wine measure (*i. e.*, one dozen quart bottles,) and of Arrack or Rum or any other Spirits manufactured to the Eastward of the Cape of Good Hope in a less quantity than one quart, and of English and Foreign Beer or Wine in a less quantity than six quart bottles, and of Toddy in a less quantity than one quart, shall be deemed a retail sale within the meaning of this Act.

Board to regulate the form and provisions of

VI. The Board of Revenue shall have authority at all times to regulate the form and provisions of Licenses to be

Licenses, but every License to specify certain matters distinctly.

granted under this Act, and to alter and add to the conditions thereof; and each License shall distinctly specify the kind or kinds of liquor the holder is authorized to sell, the manner in which and source whence such liquor is to be supplied to him, the excise duty, not exceeding three rupees and eight annas per gallon, which he shall pay upon it, whether it be provided by the officers of Government or otherwise, or should a fee upon the License be substituted for the said excise duty, the amount of such fee. The license shall further specify the district or place, street or road, and house or shop in which the sale is to be carried on.

Penalty for sale of country Spirits or of Toddy in larger quantities than specified.

VII. The sale of Arrack or Rum, or other country Spirits, or of Toddy, in quantities larger than those specified for each article in Section 5 of this Act, is prohibited: and every person who shall act in breach of this prohibition shall be liable to the fine prescribed in Section 15 for the illicit possession of these articles; but this prohibition does not apply to the sale of spirituous or fermented liquors imported into Madras under passes from the Collector, or other officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Rum under bond for exportation by sea, and covered by a certificate to that effect.

Person taking out License to execute an exact counterpart.

VIII. Every person, taking out a License for the retail sale of spirituous or fermented liquors or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

Collector may withhold, or recall a License, giving fifteen days' notice.

IX. The Collector may withhold or recall a License, if any of the conditions upon which the License is granted be not complied with, or, with the sanction of the Board of Revenue, for any other cause, giving fifteen days' notice of such withdrawal; and any person selling by retail any spirituous or fermented liquor within the Town and Suburbs of Madras, whilst such license is withheld or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of spirituous or fermented liquors.

Spirits manufactured East of the Cape, not to be removed from Custom House or warehouse without Permit.

X. No spirituous liquor, manufactured Eastward of the Cape of Good Hope, shall be removed from the Sea Custom House to any warehouse, shop, or private dwelling, or from one warehouse, shop, or private dwelling to another, without the Permit of the Collector of Madras, which Permit must accompany all liquors so removed; but persons having paid the Sea Custom Duty shall be entitled to dispose of such liquor by wholesale for exportation beyond the limits of Madras and its Suburbs, such export to be made under Permits to be granted by the Collector of Madras at his discretion, and on proof to his satisfaction that the spirits are intended to be exported.

Spirits distilled by the European process, to be gauged and tested, and kept in specified custody.

XI. All spirituous liquors manufactured by the European method of distillation shall, when imported into the Town and Suburbs of Madras by land, be placed under the charge of the Collector of Sea Customs, who will have them gauged and tested. The said liquors may be either kept in the custody of the Importer on his furnishing security for their exportation or sale, under the provisions of Section 2, Act XXXII. of 1815, or in the joint custody of the Collector of Sea Customs and the Importer, or they may be deposited in the Sea Custom Warehouse on payment of the usual warehouse rent. When kept in such joint custody, or deposited in such Warehouse as aforesaid, no security for its exportation or sale shall be required, and the amount and nature of the security, required to be furnished when such liquors are kept in the custody of the Importer, shall be fixed by the Governor of Fort St. George in Council, who shall also determine the time to be allowed for their exportation.

XII. *Repealed by Act XIII.* 1856.

Collector, after demand in writing, may levy arrears of Tax, &c., by distress and sale, but not after two years.

XIII. The Collector, after demand made in writing, may levy any arrears of tax, duty, or fee, due on account of any License granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due, Provided, that no such arrears shall be recoverable after the end of two years next after the same shall have become due,

or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a License granted under this Act shall, besides forfeiture of the License, be punishable by a fine not exceeding Fifty Rupees, and such fine shall be recoverable from the licensed dealer, notwithstanding that such breach may have been owing to the default or carelessness of the servant or other person in charge of the shop or place of sale.

Penalty for breach of any condition of a License, whether owing to default of servant or master.

XV. Any person, not being a licensed dealer, having in his possession, and any person carrying within the Town and Suburbs of Madras any greater quantity of spirituous or fermented liquors, (excepting English and Foreign Beer, Wine, and Spirits,) than the quantity specified for each article in Section 5, and not being protected by a Pass or Permit from the Collector, or other officer duly empowered in that behalf, shall be liable to a fine not exceeding Five Hundred Rupees.

Penalty for having in possession or carrying without a Pass a greater quantity of Spirits, &c., than specified in Sec. 5.

XVI. Beside the penalties above specified for the illicit sale, possession, and carrying of spirituous or fermented liquors, all such liquors found in the possession of any offender against this Act shall be seized and confiscated, together with the vessels, packages and coverings in which such liquors are found, and the animals and conveyances used in carrying them shall also be liable to seizure and confiscation.

All liquors, &c., found in possession of an offender, to be confiscated.

XVII. Any Abkairy Officer above the rank of Peon may enter, inspect, and search, at any time, by day or by night, for any of the purposes contemplated in this Act, the house or shop in which any licensed retail dealer shall carry on the sale of spirituous or fermented liquor under this Act.

Power to search by night or day, houses or shops of licensed retailers.

XVIII. Every person, holding a License for the retail sale of spirituous or fermented liquors, shall keep such license, at the house or shop specified in the License, and shall show the License on the demand of any Abkarry Officer who shall desire

Retailer to keep his License at the licensed place, and show it on demand.

to see the same; and any licensed dealer, who shall refuse or be unable to produce his license on the demand of any Abkarry Officer, shall be liable to a fine not exceeding Two Hundred Rupees.

Abkaree Officer may detain any person possessing or carrying Spirits, &c., without a Pass, and may seize liquors, &c.

XIX. Any Abkarry Officer may *stop and detain any person* having possession of or carrying in any public road, street, thoroughfare or place, or in any open shop, any spirituous or fermented liquors without a Pass, or otherwise liable to confiscation under this Act, and may seize the liquors, with the vessels, packages, and coverings in which the liquors are found, and the animals and conveyances used in carrying them.*

Collector may by Warrant authorize any Abkaree Officer above a Jemadar, in the day time and in presence of a Peace Officer, to search any place for liquor unlawfully kept. Search of Zenanas

XX. If the Collector has good reason to believe, either from information given by any Abkarry Officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any spirituous or fermented liquor liable to confiscation under this Act is kept or concealed in any place, the Collector, by warrant under his hand, may empower any Abkarry Officer, above the rank of Jemadar of Peons, between sunrise and sunset, but always in the presence of a Constable or other Officer of the Peace, to enter into every such place where any such liquor is suspected to be kept or concealed, and to seize and carry away such liquor, and in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid, and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquor whom he shall find on the premises. Provided that, where there is ground to suspect that such liquor is unlawfully concealed in any apartment of the women, in houses belonging to the classes whose women do not appear in public, the Officer charged with the execution of the Warrant, shall follow, as closely as may be, the rules for the seizure

* See Act III. 1856, Sec. 2, by which power to *arrest* is given, subject to the provisions of this Act relative to arrests.

of property so concealed, adopted by the Supreme Court of Judicature at Fort St. George.

Penalty on Peace Officer refusing to aid Abkaree Officer on demand.

XXI. All Constables and other Ministerial Officers of the Peace are required to aid the Abkarry Officers in the due execution of this Act, upon notice given, or request made by any such Abkarry Officers; and any officer who, without lawful excuse, shall refuse or neglect to assist as aforesaid on being required to do so, shall be liable to the penalty prescribed by Section 29, of this Act for Abkarry Officers conniving at the escape of a person arrested under this Act.

Abkaree Officer, making arrest or seizure, to carry the persons and liquors to the Collector without delay.

XXII. Whenever an Abkarry Officer, duly authorized under this Act, shall arrest any person, or shall seize any spirituous or fermented liquor, or shall enter any house or shop for the purpose of searching for such illicit liquors, he shall carry the person arrested, with the illicit liquors seized, with all convenient despatch, to the Collector, and shall, within twenty-four hours thereafter, make a full report to the Collector of all the particulars. And the Collector, after such further inquiry as he may deem necessary, shall forthwith either release the person arrested, or send him in custody to the Superintendent of Police or one of his Deputies.

Penalty for maliciously giving false information.

XXIII. Every person who shall maliciously give false information against any person for being engaged in the unlicensed sale of spirituous or fermented liquors, or for having in his possession or carrying, or in respect of there being in any house or shop any spirituous or fermented liquors, in contravention of this Act, shall be liable to a fine not exceeding Five Hundred Rupees, or to imprisonment in the Common Gaol, for a period not exceeding six months, or to both.

Penalty for obstructing the due execution of this Act.

XXIV. Every person who shall obstruct or molest any Abkarry Officer, or any person acting in aid of such Officer, in the due execution of this Act, shall be liable to a fine not exceeding Five Hundred Rupees, and such person shall be further liable, if any affray or breach of the peace shall happen

in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

Penalty for delay in carrying to the Collector any person or liquors seized.

XXV. Any Abkarry Officer, who shall delay carrying to the Collector any person arrested, or any illicit liquors seized under this Act, or who shall neglect to report the particulars of an arrest, seizure, or search within twenty-four hours thereafter, shall be liable to a fine not exceeding Two Hundred Rupees.

Penalty for vexatious seizure, or arrest, or other excess.

XXVI. Any Abkarry Officer, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit spirituous or fermented liquors, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess not required for the execution of his duty, shall be liable to a fine not exceeding Five Hundred Rupees.

Reg. I. 1820, Ss. 4—6 and Act XXXII. 1845, to be in force in the Town and Suburbs of Madras with one modification.

XXVII. The provisions regarding Distilleries and Stills in Sections 4, 5, 6, Regulation I. of 1820 of the Madras Code and Act XXXII. of 1845, shall apply and be in force within the Town and Suburbs of Madras, except that the powers vested in the Criminal Judge by Section 4, Clause 5, and Section 6, Clause 9, Regulation I. of 1820, of the Madras Code, and in the Session Judge and Subordinate Judge of the Zillah, by Sections 4, 5, Act XXXII. of 1845, shall be exercised within the limits of the jurisdiction of the Supreme Court by the Superintendent of Police.

G. in C. or authorized Officer may revise the forms of licenses for distillation by European process.

XXVIII. It shall be competent to the Governor of Fort Saint George in Council, or to any Officer duly empowered by him in that behalf, to revise, from time to time, the forms of Licenses to be granted under Section 4, Regulation I. of 1820, of the Madras Code, for the establishment of Distilleries for manufacturing Rum, Arrack, or other Spirits by process of

distillation similar to the European process, and to introduce into such forms of License such provisions and stipulations as may seem to be advisable, anything in Section 2, Act XXXII. of 1845, to the contrary notwithstanding.

Penalty for unlawfully releasing person arrested, or conniving at any fraud on Abkaree Revenue.

XXIX. Any Officer employed in the Abkarry Department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of spirituous or fermented liquors without a License, or by any licensed dealer contrary to the terms of such license, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, or the Abkarry Revenue be defrauded, shall be liable to a fine not exceeding Five Hundred Rupees.

Penalty for asking or taking an unauthorized reward, or offering a bribe.

XXX. Any officer employed in the Abkarry Department, who shall ask or take any gratuity not authorized by any law or order of Government, or of the Board of Revenue, in consideration of doing or of omitting to do any act in his official capacity, and any person who shall offer a bribe to any such officer, in order to induce such officer to act in a manner inconsistent with his duty, shall be liable for every such offence to a fine not exceeding Five Hundred Rupees.

Seizures to be tried summarily by Superintendent or his Deputy.

XXXI. When any goods or chattels shall be seized by an Abkarry Officer as liable to confiscation under this Act, such seizure shall, upon information exhibited by order of the Collector, be heard and determined in a summary manner by the Superintendent of Police or one of his Deputies, who shall cause the persons to whom such goods and chattels belong to be summoned to appear, and, upon their appearance or default, shall examine into the cause of the seizure thereof and give judgment; and, if such judgment shall be for confiscation of the goods or chattels seized, shall issue his Warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Revenue.

If goods seized be not claimed within one month, the Superintendent, &c. may give judgment regarding them.

XXXII. Whenever any goods or chattels shall be seized as aforesaid, and within one calendar month no person shall appear before the Collector to claim the same, the Superintendent of Police or one of his Deputies shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Collector in the *Fort St. George Gazette*, and give judgment for the confiscation of such of the goods and chattels as, upon such examination, shall appear to him liable to forfeiture; and upon confiscation thereof, shall issue his Warrant for the disposal of them, as if the owner had been summoned to attend before the said Superintendent or one of his Deputies.

Fines to be adjudged by the Superintendent or one of his Deputies, but not after three months from date of offence.

XXXIII. All fines leviable under this Act shall be adjudged by the Superintendent of Police or one of his Deputies, any of whom, upon information exhibited before him by order of the Collector, shall, within three calendar months next after the act by which the fine was incurred and not afterwards, summon the parties accused, and, upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath, or solemn affirmation, (in cases wherein a solemn affirmation, is receivable by law instead of an oath,) of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by Warrant of the said Superintendent of Police or one of his Deputies, to imprisonment in the Common Goal, for a period not exceeding six months, or until the fine be sooner paid.

Additional penalty of six months' imprisonment for every subsequent similar offence.

XXXIV. Whenever any person shall be convicted of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Goal, for a period not exceeding six months, and a like punishment of imprisonment not exceeding six mouths shall be incurred, in addition to the punishment which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXXV. One-half of all fines levied from persons convicted of the illicit possession, carrying, or sale, of spirituous or fermented liquors, and of the proceeds from the sale of liquors, vessels, packages, conveyances, stills, and other things confiscated under this Act, shall, upon adjudication of the case, be awarded in such proportion as the Superintendent of Police or one of his Deputies, adjudicating as aforesaid, may think proper, to the officer or officers who apprehended the offender or seized the illicit liquors or other articles, and the other half shall be given to the informer; and if no fine be realized, the Board of Revenue may grant such reasonable reward, not exceeding the sum of Two Hundred Rupees, as may appear to them fit. Provided, that the Board of Revenue may determine, by general order, what class of Abkarry Officers shall receive rewards, and what classes shall have no title to share therein.

Superintendent may award to the seizing Officers one-half of all fines and proceeds of sale, and the other half to the informer. Powers of Board of Revenue.

XXXVI. All fines levied under this Act, the disposal of which is not especially provided for, shall belong to Government; but the Officer adjudicating the case may grant any portion thereof not exceeding one-half, as rewards to informers, or as compensation to parties injured by any proceedings under this Act.

Fines, not provided for, to belong to Government, but one-half may be given as rewards or compensation.

XXXVII. No writ of *Certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature at Fort St. George, to supersede, stay, remove, or in anywise affect any information or judicial proceeding before the Superintendent of Police or any of his Deputies in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

Writ of Certiorari taken away.

XXXVIII. All actions and prosecutions to be instituted against the Collector or any Abkarry Officer, or any person acting in aid of any such Officer, for anything done in pursuance of this Act, shall be tried and determined in the Civil Courts established by the East India Company in the Zillah of Chingleput, notwithstanding that the cause of action in respect of which such action is brought arose, or the defendant therein

Actions and prosecutions for anything done under this Act to be tried in the Civil Courts of Zillah Chingleput. Conditions.

reside, within the limits of the Town of Madras, and every such action shall be brought within three calendar months after the fact committed and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant, one calendar month at least before the commencement of the action, and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if, after action brought, a sufficient sum of money shall have been paid into Court with costs, by or on behalf of the defendant.

Power of Collector to punish contempts, subject to appeal to the Board.

XXXIX. The Collector, in respect of the duties to be performed by him under this Act, shall have power to punish any contempt committed in his presence in open cutcherry by the imposition of a fine not exceeding Two Hundred Rupees, commutable, if not paid, to imprisonment in the Common Gaol for a period not exceeding one month. Provided, that an appeal from any order passed under this Section shall lie to the Board of Revenue, and the decision of the Board thereon shall be final.

Interpretation.

XL. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something either in the subject or context repugnant to such construction, that is to say, words importing the singular number only shall include the plural, and words importing the plural number shall include the singular, and words importing the masculine gender only shall include females. The words "Collector of Madras," shall mean the Officer who may at any time be charged with the superintendence and collection of the public revenue within the Town of Madras, although such Officer may not be officially designated "Collector of Madras." The words "Town and Suburbs of Madras," shall include the Town of Madras, the limits of the Supreme Court of Judicature at Madras as declared and described by the 12th Section of Regulation II. of 1802, of the Madras Code, and the district comprised within eight miles beyond any part of those limits.

ACT No. XX. OF 1852.

Repealed by Act VI. 1857.

ACT No. XXI. OF 1852.

BOMBAY.

1. *G. in C. may appoint Uncovenanted Deputy Collectors.*
2. *Declaration to be made by Deputy Collector, and before what Officer.*
3. *What duties to be discharged by Deputy Collectors, and under what control.*
4. *Reg. XVI. 1827, Sec. 11, to apply to Deputy Collectors.*
5. *Deputy Collector not to be dismissed without sanction of G. in C.*

An Act to authorize the employment of Uncovenanted Deputy Collectors in the Presidency of Bombay.

Where the exigencies of the public service require the employment of Uncovenanted Deputy Collectors in the Revenue Department within the Presidency of Bombay, it is hereby enacted as follows:

G. in C. may appoint Uncovenanted Deputy Collectors.

I. The Governor of Bombay in Council may appoint in any Zillah or District within the said Presidency, one or more Uncovenanted Deputy Collectors, with the powers hereinafter mentioned.

Declaration to be made, and before what Officer.

II. Every person appointed a Deputy Collector under this Act shall, before entering upon the duties of his office, make and subscribe a solemn declaration to the same effect as the oath prescribed in Appendix A. annexed to Regulation XVI. of 1827, of the Bombay Code, the words "the East India Company" being inserted in such declaration, instead of the words "the United Company of Merchants of England trading to the East Indies" and the words, "United Company" in the said oath contained, and such declaration shall be made and subscribed either before Her Majesty's Supreme Court of Judicature for Bombay, the Court of Sudder Dewanny Adawlut of Bombay, any Judge on Circuit in the Zillah, in

which such Deputy Collector may be appointed, the Judge, Collector or Magistrate of that Zillah, or such other person as may be deputed or authorized by any order of the said Governor in Council to take or receive such declaration.

What duties to be discharged by Deputy Collectors, and under what control.

III. Deputy Collectors appointed under this Act shall discharge such of the duties and exercise such of the powers of the Covenanted Assistants in the Revenue Department, as shall be prescribed from time to time in each case by the Governor of Bombay in Council, and shall be subject to the same control and authority in all respects as such assistants respectively.

Reg. XVI. 1827, Sec. 11, to apply to Deputy Collectors.

IV. Section 11 of Regulation XVI. of 1827, of the Bombay Code, shall be applicable to Deputy Collectors appointed under this Act, who shall hold their offices subject to the provisions of the said Section.

Collector not to be dismissed without sanction of G. in C.

V. No Deputy Collector appointed under this Act shall be dismissed from office without the sanction of the Governor of Bombay in Council. Whenever there is reason to believe that a Deputy Collector is disqualified, by neglect, incapacity, corruption or other misbehaviour, for continuance in office, a report shall be made by his superior in the Revenue Department for the consideration and orders of the Governor of Bombay in Council, who shall be competent to suspend such Deputy Collector, and order a further enquiry into his conduct, or direct his immediate dismissal, as may appear just and proper.

BENGAL.

ACT No. XXII. OF 1852.

Gives validity to orders and sales in summary suit by specified officers not having jurisdiction.

To avoid doubts as to the validity of certain decisions in summary suits for arrears of rent, and of certain sales of Putnee Talooks and other saleable tenures.

Whereas by Regulation VIII. of 1831 of the Bengal Code the hearing and decision of summary suits or claims relating to

arrears or exactions of rents were transferred from the Judges of the zillah or city Courts to the Collectors of the several districts; and whereas, by Regulation VII. of 1832 of the Bengal Code, the superintendence of the sales of Putnee Talooks and other saleable tenures of the class specified in Clause 1, Section 8, Regulation VIII. of 1819 of the same Code, was transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. of 1835 the conduct of sales of Talooks or other saleable tenures in execution of summary decrees for rent, in conformity with Regulation VII. of 1799 of the same Code, was transferred to the Collectors of Land Revenue; and whereas doubts have been entertained in some instances as to the District within which such summary suits or claims should have been decided and such sales made, by reason that the jurisdiction of the several zillah and city Courts is not conterminous with the jurisdiction of the several Collectors of Land Revenue, It is enacted as follows:

I. No order or decision already made in any such summary suit, and no such sale as aforesaid, already made, which has not been questioned before a Court of competent judicature before the passing of this Act, on the ground of having been decided or made by a Collector of Land Revenue, his deputy or duly authorized assistant, having no jurisdiction therein, shall be liable to be annulled or disputed on that ground.

MADRAS. and BOMBAY.

ACT No. XXIII. OF 1852.

1. *Abolishes the power of Courts of Justice to mitigate fines, &c.*
2. *Gives such power to the Madras Government.*
3. *And to the Bombay Government.*

To authorize and empower the Governors in Council of the respective Presidencies of Madras and Bombay, to mitigate or discharge fines, amerciaments, &c., imposed by the Supreme Courts, or any other Courts of Justice at Madras and Bombay respectively.

Whereas the Supreme Court of Judicature at Madras now hath certain power and authority to mitigate and discharge fines, amerciaments, forfeitures and sums of money ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Madras upon, or against, any person or persons whomsoever for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever. And whereas the Supreme Court of Judicature at Bombay hath certain power and authority to mitigate and discharge fines, amerciaments, forfeitures, and sums of money ordered, charged, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Bombay upon, or against, any person or persons whomsoever for or by reason of any offences, misdemeanors, defaults, contempts, neglects or forfeitures whatsoever: And whereas it is expedient that such respective powers and authorities should be exercised by the respective Governors in Council of the Presidencies of Madras and Bombay respectively, It is hereby enacted as follows:

I. The powers and authorities respectively exercised by the said Supreme Courts at Madras and Bombay, or by any other Courts of Justice at Madras and Bombay respectively, to mitigate, and discharge fines, amerciaments, forfeitures and sums of money ordered, charged, adjudged, set, imposed or awarded by such Supreme Courts, or by any other Court of Justice at Madras and Bombay aforesaid upon, or against, any person or persons whomsoever, for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever, shall henceforth respectively cease and determine.

II. It shall be lawful for the Governor in Council of the Presidency of Fort St. George at Madras to mitigate, or discharge all fines, amerciaments, forfeitures, and sums of money which may have been or may hereafter be ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Fort St. George at Madras aforesaid, or by any other Court of Justice, or other person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award fines, amerciaments, ransoms, forfeitures, penalties or sums of money, for or by reason of any offences, misdemeanors, defaults, contempts, neglects or forfeitures whatsoever, as the Court of Exchequer in England, or the Chancellor or Barons thereof, may or can lawfully do in England. And the said Governor in Council may, by any order, cause a share or proportion of any fine imposed on any person or persons for any delinquency or misdemeanor prosecuted to judgment, to be paid over to the prosecutor towards defraying his expenses occasioned thereby, as such Governor in Council shall think fit and expedient.

III. It shall be lawful for the Governor in Council of the Presidency of Bombay to mitigate or discharge all fines, amerciaments, forfeitures, and sums of money, which may have been or may hereafter be ordered, adjudged, set, imposed, or awarded by the said Supreme Court of Judicature at Bombay, or by any other Court of Justice, or other person or persons there, having lawful authority to order, charge, adjudge, set, impose, or award fines, amerciaments, ransoms, forfeitures, penalties or sums of money for or by reason of any offences, misdemeanors, defaults, contempts, neglects, or forfeitures whatsoever, as the Court of Exchequer in England or the Chancellor or Barons thereof, may or can lawfully do in England: And the said last mentioned Governor in Council may, by any order, cause a share or proportion of any fine imposed on any person or persons for any delinquency, or misdemeanor prosecuted to judgment, to be paid over to the prosecutor towards defraying his expenses occasioned thereby, as such Governor in Council shall think fit and expedient.

GENERAL.

ACT No. XXIV. OF 1852.

1. *Defines the word crimp and crimping.*
2. *Defines emigration to be departure by land or water.*
3. *Act XIV. 1839 not to apply to contract for labor in any Foreign Settlement on the mainland of India, unless with intent of subsequent departure from India. Departure within 6 months to be primâ facie evidence of such intent.*
4. *Penalty for crimping.*
5. *Penalty for fraudulently causing any Native to emigrate.*
6. *Hard labor may always be awarded.*
7. *Penalty for offence under Act XIV. 1839, Sec. 2.*
8. *Penalty for second or subsequent offence under Act XIV. 1839, Sec. 2.*
9. *Interpretation of term "Magistrate" in Act XIV. 1839.*

For amending and explaining Act XIV. 1839, and for the better prevention of crimping.

For the amending and better understanding of Act XIV. 1839, and for the better prevention of the offence of crimping as hereinafter defined, It is declared and enacted as follows:

Defines the word crimp and crimping.

I. Any person who, by force or fraud, unlawfully detains in any place or decoys to any place any Native of India, with intent to force or prevail upon him to enter into any service, or contract for service to be performed out of the territories under the Government of the East India Company into which he was not minded to enter without such force or fraud, or who, by means of false imprisonment, intoxication, intimidation, force or fraud, causes any Native of India to enter into any such service or contract for service, or who attempts, by force or fraud or by any false promise, pretence or representation, to cause any Native of India to depart either by land or water from the territories under the Government of the East India Company, is a crimp, and guilty of crimping, within the meaning of this Act.

Defines emigration to be departure by land or water.

II. The departure of any person out of the territories under the Government of the East India Company, by land or water, is Emigration from the said territories within the meaning of Act XIV. 1839, and of this Act.

III. After the passing of this Act, no person shall be liable to the penalties of Act XIV. 1839, for making in good faith any contract with any Native of India for labor to be performed in any Foreign Settlement on the mainland of India, or for knowingly abetting or aiding any Native of India in emigrating from the said territories to any such Foreign Settlement. Provided that, if any person shall make any contract with any Native of India for service or labor to be performed by such Native out of the territories under the Government of the East India Company, or cause any Native of India to depart from the territories under the Government of the East India Company, or knowingly aid or abet such Native of India in emigrating from the said Territories to any such Foreign Settlement *with intent that such Native shall afterwards depart from India*, such person shall be deemed to be a crimp and guilty of crimping within the meaning of this Act, and *proof of the subsequent departure of such Native from India, from any place out of the territories under the Government of the East India Company within the period of six months from the time of the departure of such Native from the said territories under the Government of the East India Company, shall be primâ facie evidence of such intent.**

Act XIV. 1839 not to apply to contract for labor in any Foreign Settlement on the mainland of India, unless with intent of subsequent departure from India. What to be evidence of such intent.

IV. Every crimp within the meaning of this Act, is liable to be imprisoned for a term not exceeding six calendar months, and to pay a fine not exceeding Five Hundred Rupees.

Penalty for crimping.

V. Every person who shall, by means of intoxication, false imprisonment, or intimidation, or by means of any false promise, pretence or representation, force or decoy any Native of India out of the territories under the Government of the East India Company, or fraudulently cause any such Native to depart from the said territories, shall be liable to be imprisoned for a term not exceeding three years.

Penalty for fraudulently causing any Native to Emigrate.

VI. In every case in which under this Act imprisonment may be awarded for any offence, it shall be lawful for the Court,

Hard labor may always be awarded.

* Modified by Act XLVI. 1860, Sec. 1.

who may award such imprisonment, to sentence the offender to be kept to hard labor during the whole or such period or periods of such imprisonment, as to such Court shall seem meet.

Penalty for offence under Act XIV. 1839, Sec. 2.

VII. In every case in which an offender shall be liable to be imprisoned under Section 2, of Act No. XIV. of 1839, such offender shall be liable to be imprisoned or imprisoned and kept to hard labor for a term not exceeding three months for every Native contracted with, provided that such imprisonment shall not in any case exceed six months for any one offence.

Penalty for second or subsequent offence under Act XIV. 1839, Sec. 2.

VIII. In every case in which any person shall commit an offence under Section 2, of Act XIV. 1839, as explained and amended by this Act, after having been previously convicted, either before or after the passing of this Act, of an offence under that Section, such person shall be liable, upon conviction before a criminal Court of competent jurisdiction, to be imprisoned, or imprisoned and kept to hard labor for any period not exceeding one year, and in every indictment, information or other proceeding for such an offence committed after such previous conviction, it shall be sufficient, after describing the offence, to state that the offender was at a certain time and place convicted of an offence under Section 2, of Act XIV. 1839, without otherwise describing such previous offence or conviction, and a certificate of the previous conviction, purporting to be signed by the Officer having the custody of such previous conviction, or by the deputy or legally authorized Assistant of such Officer, shall, with proof of the identity of the person of the offender, be sufficient *primâ facie* evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate.

Interpretation of term Magistrate in Act XIV. 1839.

IX. The term "Magistrate" in Act XIV. 1839 shall extend to Joint Magistrates and persons lawfully exercising the powers of a Magistrate.

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*ACT No. XXV. OF 1852.

BENGAL.

1, 2. *Decree made on appeal to be executed by Court below on petition of party interested.*

3. *Appeal to lie against order for execution of decree made on appeal.*

4. *Sudder Court may order execution of orders of Privy Council.*

5. *Extends Act XXV. 1837, S. 8.*

6. *Confines Act to Lower Provinces.*

An Act for the execution of decrees made in appeal by Her Majesty in Council, or by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal.

Whereas it is expedient to amend the law relating to the execution of decrees made and passed in appeal by Her Majesty in Council, and by the Courts of Sudder Dewanny Adawlut and of the Zillah and City Judges in the Presidency of Fort William in Bengal, It is hereby enacted as follows:

Decree made on appeal to be executed by Court below.

I. Every decree or order in appeal of Her Majesty in Council, or of any Court of Sudder Dewanny Adawlut, or of any Zillah or City Judge which shall be made after the passing of this Act, and also every such decree or order in appeal which has been made before the passing of this Act, and for the execution or enforcement whereof no petition has been presented, shall be enforced and executed by the Court which made the first decree or order appealed from, in the manner and according to the rules and laws applicable to the execution and enforcement of original decrees or orders made by such last mentioned Court.

On petition of party interested.

II. Any party desirous of enforcing or obtaining execution of any such decree or order, made in appeal as aforesaid, shall present a petition for that purpose to the Court which made the first decree or order appealed from, and the said petition shall be accompanied by a certified copy of the decree or order made in appeal, and sought to be enforced or executed.

* The whole of this Act is repealed by Act X. 1861, except as far as it relates to the execution of decrees made in appeal by Her Majesty in Council.

Gives an appeal against order for execution of decree made on appeal.

III. An appeal shall lie from any decree or order made by such last mentioned Court, relating to the enforcement or execution of any such decree or order made in appeal as aforesaid, in the same manner and subject to the same laws, rules and regulations as an appeal from an order or decree, made upon a petition for the enforcement of execution of the decree or order first appealed from, would have been.

Reserves power to Sudder Court to order execution on orders of Privy Council.

IV. Nothing herein contained shall be construed so as to prevent any Court of Sudder Dewanny Adawlut from enforcing or obtaining execution of a decree or order made or passed by Her Majesty in Council, if Her Majesty in Council shall think fit to decree or order the said Court of Sudder Dewanny Adawlut to enforce or execute the same.

Extends Act XXV. 1837, S. 8.

V. The provisions of Section 8, Act XXV. 1837 of the Bengal Code shall extend to proceedings under this Act.

Confines Act to Lower Pro-

VI. This Act shall apply only to the Presidency of Fort William in Bengal.

ACT No. XXVI. OF 1852.

Repealed by Act X. 1861

BOMBAY

ACT No. XXVII. OF 1852.

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1. *Governor in Council may empower Magistrate to authorize Heads of Villages to try specified offences:*
2. *Namely, theft of Rs. 5, assault, abuse and disobedience of their own orders.*
3. *And to inflict specified penalty.*
4. *Conviction to be a bar to any other proceedings.*

An Act to confer certain powers on Patels and other Heads of Villages in the Bombay Presidency.

Whereas it is expedient to confer certain powers on Patels and other Heads of Villages in the Bombay Presidency, It is hereby enacted as follows:

I. From and after the passing of this Act, it shall be lawful for the Governor in Council of Bombay, by an order in writing, to authorize any Magistrate of a zillah to issue a Commission to any person exercising the office of Patel, or charged with the administration of criminal justice within the limits of any Town, Village or Peth, in the said Presidency, empowering him to try any person charged with any of the offences hereinafter mentioned, and the said Magistrate shall forthwith issue the said Commission in accordance with such order.

II. It shall be lawful for every such Patel or other officer, who shall have received from the Magistrate such Commission as aforesaid, to try any person charged with the offence of theft, assault, or abuse, when the value of the property stolen, or the amount of damages alleged to have been sustained, does not exceed Rupees Five, and also to try any person charged with the offence of resisting or refusing to obey any order of such Patel or other officer as aforesaid. Provided always, that every charge of any such offence shall be preferred to such Patel or other officer as aforesaid within eight days after the commission of such offence.

III. It shall be lawful for every such Patel or other officer, who shall have received from the Magistrate such Commission as aforesaid, to order any person, convicted by him of any such offence as aforesaid to pay a fine not exceeding Five Rupees, or to be placed in the stocks for any period not exceeding six hours, or to be detained in the chowkey of the Town, Village or Peth, for any period not exceeding forty-eight hours.

IV. Such conviction shall be a bar to any other proceedings for the same offence.

BOMBAY.

ACT No. XXVIII. OF 1852.

1. *Reg. XIII. 1827, Sec. 27, cl. 1 and 4 partially repealed.*
2. *Superintendence of the Police vested in the Governor in Council, who may appoint and empower Superintendents as he may think fit.*

An Act to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency.

Whereas it is expedient to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency, It is hereby enacted as follows:

I. So much of Clause 1, Section 27, of Regulation XIII. of 1827, of the Bombay Code, as enacts that the Court of Sudder Foujadree Adawlut shall superintend the administration of Police, and so much of Clause 4, Section 27, of the same Regulation, as enacts that the Courts of Sudder Foujdaree Adawlut shall furnish information to Government of the state of the Police in each Zillah, are hereby repealed.

II. From and after the passing of this Act, the superintendence of the Police in the said Presidency shall be vested in, and exercised by the Governor in Council of Bombay, and, for the better superintendence thereof, it shall be lawful for the said Governor in Council to appoint such persons as he shall think fit to control and superintend the said Police, subject to the Orders of the said Governor in Council, and to vest in such persons such power and authority for the purposes aforesaid, as to the said Governor in Council may seem proper.

ACT No. XXIX. OF 1852.

BOMBAY.

1. *Reg. III.* 1830, *Sec.* 9 *and Reg. VIII.* 1833, *Sec.* 2-5 *repealed.*
2. *G. in C. may issue Commission to any Judge of Sudder Court to exercise certain powers of a Judge on Circuit or of a Judicial Commissioner.*
3. *And to proceed to any Zillah named for a limited period.*

An act to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay.

Whereas it is expedient to amend the law respecting the Circuits of Judicial Commissioners in the Presidency of Bombay, It is hereby enacted as follows:

I. Section 9 of Regulation III. of 1830, and Sections 2, 3, 4, and 5, of Regulation VIII. of 1833, of the Bombay Code are hereby repealed.

II. It shall be lawful for the Governor in Council of Bombay to issue a Commission in writing to any one of the Judges of the Court of Sudder Foujdaree Adawlut, thereby directing and empowering him to exercise and perform all or any of the powers and duties of a Judge on Circuit, or of a visiting or judicial Commissioner, under the provisions of Chapter IV. Regulation XIII. of 1827, Sections 10, 11, and 12, Regulation III. of 1830, Section 5, Regulation VIII. of 1831, and Sections 6, and 7, Regulation VIII. of 1833, of the Bombay Code, and, all or any of the powers or duties now vested in, and exercised by the Court of Sudder Foujdaree Adawlut.

III. It shall be lawful for the said Governor in Council of Bombay in and by the said Commission, or by order in writing, to direct any Commissioner appointed as aforesaid to proceed on Circuit to any and such Zillahs in the said Presidency as shall be in the said Commission or order named, and to prescribe the period of his return to the Court of Sudder Foujdaree Adawlut.

GENERAL.

ACT No. XXX. OF 1852.

1. *Any actual resident may petition for Naturalization.*
2. *Petition what to contain.*
3. *Government may require further evidence.*
4. *Or issue a Certificate granting the right of Naturalization with or without limitation.*
5. *Certificate to be delivered to memorialist, and duplicate thereof filed.*
6. *Certificate may be cancelled, if memorial be found to have contained material false statement.*
7. *Government may fix fees for Certificate, &c.*
8. *Certificate to entitle memorialist to all the privileges of a natural born subject, except as excepted therein.*
9. *But not to deprive the Mofussil Courts of jurisdiction, nor to give jurisdiction to Supreme Courts.*
10. *Memorialist to take and subscribe an oath within 60 days from certificate granted.*
11. *Oaths to be administered and certificate thereof to be given by any Magistrate or Justice, who shall forward duplicate of both to the Government, to be filed with the memorial.*
12. *Interprets the terms "Government" and "Magistrate."*
13. *Interprets the terms "Oath" and "Affidavit"*

An Act for the Naturalization of Aliens.

Whereas it is expedient to provide for the Naturalization of Aliens resident in the territories under the Government of the East India Company, It is enacted as follows:

Any actual resident may petition for Naturalization.

I. Any person, whilst actually residing in any part of the territories under the Government of the East India Company, may present a memorial to Government, praying that the privileges of Naturalization may be conferred upon him.

Petition what to contain.

II. Such memorial shall state, to the best of the knowledge and belief of the memorialist, his age, place of birth, place of residence, profession, trade or occupation, the length of time during which he has resided within the said territories, that he is settled in the said territories or is residing within the same with intent to settle therein, and any other particulars which the Government may require to be stated therein, and such memorial shall be in writing and signed by the memorialist,

and accompanied by an affidavit sworn by him, verifying the truth of the statements contained therein.

Government may require further evidence.

III. The memorial shall be considered by the Government to whom it shall be presented, who shall inquire into the circumstances of the case, and may require such evidence either by affidavit or otherwise as they may deem proper, in addition to the before-mentioned affidavit of the memorialist, to prove the truth of the statements contained in such memorial.

Or issue certificate granting the right of Naturalization with or without limitation.

IV. The Government may, if they shall think fit, issue a Certificate in writing, reciting such of the contents of the memorial as they may consider to be true and material, and granting to the memorialist all the rights, privileges and capacities of Naturalization under this Act, except such rights, privileges or capacities, if any, as may be especially excepted in such certificate.

Certificate to be delivered to memorialist and duplicate thereof filed.

V. The Certificate shall be delivered to the memorialist; and a copy or duplicate thereof, together with the memorial upon which the same shall be obtained, and any Affidavit, which may accompany such memorial or be produced in support thereof, shall be filed by the Secretary to the Government, or such other officer as the Government may direct; and such Secretary or officer shall keep an alphabetical list of all persons who may be naturalized by such Government.

Certificate may be cancelled if memorial be found to have contained any material false statement.

VI. If any material statement contained in such memorial shall be false, the Government may, if they think fit, by an order in writing, declare the Certificate issued upon such memorial to be null and void to all intents and purposes, except such purposes, if any, as may be specially excepted in such order; and from and after such order all the rights, privileges and capacities derived through such Certificate shall cease to exist.

Government may fix fees for certificate, &c.

VII. Such fees shall be payable in respect of the proceedings hereby authorized as shall be fixed by the Government.

Certificate to entitle memorialist to what privileges.

VIII. Upon obtaining such Certificate, and taking and subscribing the oath as hereinafter prescribed, the memorialist shall, within the said territories under the Government of the East India Company, be deemed a natural born subject of Her Majesty as if he had been born within the said territories, and shall be entitled within the said territories to all the rights, privileges and capacities of a subject of Her Majesty born within the said territories, except such rights, privileges and capacities, if any, as may be specially excepted in such Certificate.

But not to deprive the Mofussil Courts of jurisdiction.

IX. Nothing in this Act contained shall be construed so as to deprive the Courts of the East India Company of jurisdiction over any such naturalized person, or to give to the Courts of Her Majesty any jurisdiction over any such person not otherwise subject to such jurisdiction.

Memorialist to subscribe an oath within sixty days.

X. Within sixty days from the day of the date of such Certificate the memorialist named in such certificate shall take and subscribe the oath contained in the Schedule annexed to this Act.

Oaths to be administered and certificate thereof to be given by any Magistrate or Justice Duplicate of both to be forwarded to the Government.

XI. Such oath, as well as any other oath or affidavit required by this Act, may be administered by any Magistrate or Justice of the Peace within the limits of his jurisdiction, or by any other person to be appointed for that purpose by Government, and the person who shall administer the oath mentioned in the Schedule to this Act annexed shall grant to the memorialist a Certificate in writing of his having taken and subscribed such oath, and of the date of his taking and subscribing the same, and shall forward to the Government the oath so taken and subscribed together with a duplicate of such certificate, which oath and duplicate certificate shall be filed and kept with the memorial.

Interprets the terms "Government" and "Magistrate."

XII. The word "Government" in this Act shall be deemed to mean the person or persons for the time being lawfully entitled to administer the executive Government in that part of the said territories in which the memorialist shall reside at

the time of presenting such memorial. The word "Magistrate" shall include any person lawfully exercising the powers of a Magistrate, and words denoting the masculine gender shall include the feminine.

XIII. In every case in which the word "oath" or "affidavit" is used in this Act, an affirmation to the same effect as the oath or affidavit required shall be sufficient in cases where the person required to make such oath or affidavit shall be a person allowed by law to affirm in civil cases, and in every such case such affirmation shall be made before the person authorized to administer the oath, and the word "oath" or affidavit wherever used in this Act shall include such affirmation.

Interprets the terms "Oath" and "Affidavit."

SCHEDULE.

OATH.

I, A. B., of *(here state the description of the party)* do swear *(or being one of the persons allowed by law to affirm in civil cases, do affirm,)* that I will be faithful and bear true allegiance to the Sovereign of the United Kingdom of Great Britain and Ireland, and of these territories as dependent thereon, and that I will be true and faithful to the East India Company.

ACT No. XXXI. OF 1852.

BENGAL.

Reg. XX. 1817, S. 16, cl. 17, repealed.

An Act to repeal Clause 17, Section 16, Regulation XX. 1817 of the Bengal Code.

Whereas it is not expedient that Darogahs or other Police officers should be entitled to a commission on the value of property stolen or plundered which they may recover, It is hereby enacted as follows:

Clause 17, Section 16, Regulation XX. 1817 of the Bengal Code is repealed.

ACT No. XXXII. OF 1852.

Repealed by Act XVII. 1862.

*ACT No. XXXIII. OF 1852.

1. *Defines the scope of the Act, viz. to provide means of obtaining satisfaction of judgment of any Court, of which satisfaction cannot be obtained within its jurisdiction.*
2. *Court on application to grant copy of its judgment and of order for execution, if any, and a certificate of its being unsatisfied. Copy to be signed and sealed.*
3. *Nature and name of Court to appear.*
4. *Judgment of inferior Court, to be authenticated by the principal Civil Court of the district.*
5. *Copies &c., to be transmitted to the Court of the district in which execution is required and to be filed therein.*
6. *When filed, to have the same force as judgment of the Court itself.*
7. *To be enforced according to the practice of the Court as respects its own judgments.*
8. *Provisions of this Act to extend to decrees of Military Courts of Requests, but execution not to be granted against the person of Soldier; Decree of Military Court of Requests how to be authenticated.*
9. *Petition for execution of decree of Moonsiff or Military Court of Requests to be on plain paper.*
10. *Same appeal against execution under this Act, as in other cases.*
11. *Interpretation of words "judgment," "party," &c.*

An Act to facilitate the enforcement of judgments in places beyond the jurisdiction of the Courts pronouncing the same.

Provides means of obtaining satisfaction of judgment of any Court, of which satisfaction cannot be obtained within its jurisdiction.

I. Every party, who shall have obtained a judgment in any Court of Her Majesty, or of the East India Company, in any part of the territories under the Government of the East India Company, or in any Court established by the authority of the Governor-General of India in Council in the territory of

* The whole of this Act is repealed by Act X. 1861, except so far as it relates to the enforcement of judgments by any Court established by Royal Charter, and also except so far as it relates to the enforcement of decrees of Military Courts of Requests. Act XXXIV. of 1855 is to be read with and taken as part of this Act as regards judgments by Supreme Courts.

any foreign Prince or State, and who shall be unable to enforce or obtain satisfaction of the same by execution within the jurisdiction of such Court, may enforce or obtain execution of the same in any part of the said territories under the Government of the East India Company in manner following:

Court on application to grant copy of its judgment and of order for execution if any, and a certificate of its being unsatisfied.

II. The party may apply to the Court, which shall have pronounced such judgment, for a copy thereof, and also for a certificate that satisfaction of such judgment has not been obtained by execution within the jurisdiction of the said Court, also for a copy of any order for execution of such judgment that may have been passed, and, if necessary, for a translation of the said judgment and order for execution into the English language. The Court, unless there be any sufficient reason to the contrary, shall cause such copy and certificate, and translation if necessary, to be furnished, and the same shall be signed by the judge, or one of the judges of the Court, and sealed with the seal of the Court.

Nature and name of Court to appear.

III. If such Court shall be the principal Civil Court of original jurisdiction in the district the judge shall describe himself accordingly in the certificate, and shall also name the Court and the district.

Judgment of inferior Court, to be authenticated by the principal Civil Court of the district.

IV. If the Court shall not be the principal Civil Court of original jurisdiction in the district, the copy of the judgment and of the order for execution, if any, the certificate of the judge, and the translation, if any, shall without delay be transmitted to the principal Civil Court of original jurisdiction in the district, and the judge or one of the judges of such Court shall issue a certificate under his hand and the seal of the Court, verifying the signature of the judge of the Court in which the judgment shall have been given to the documents above-mentioned; and in such certificate the judge signing the same shall describe himself as the judge, or one of the judges of the principal Civil Court of the district, and shall also name the Court and the district.

Copies, &c., to be transmitted to the Court of

V. All copies, translations, and certificates, which may be furnished by, or transmitted to the principal Civil Court of

the district in which execution is required.

original jurisdiction in the district in which such judgment shall have been given shall be transmitted by such Court without delay to the principal Civil Court of original jurisdiction in the district in which the party may wish to have the judgment enforced or executed, and, if such last-mentioned Court be the Supreme Court of Judicature of either of the Presidencies, to the Prothonotary of the Court; and such Court shall cause the said documents to be filed therein without any proof of the judgment or order for execution, or of the copies thereof or of the translations, if any, or of the seal or jurisdiction of any Court, or of the signature of any judge, unless the Court to which such documents shall be transmitted shall, under any peculiar circumstances to be specified in an order, require the same.

Copies, &c., to have, when filed, the same force as judgment of the Court itself.

VI. The copy of any judgment or of any order for execution, when filed in the Court to which it shall be transmitted for the purpose of being executed or enforced as aforesaid, shall for such purpose have the same effect as a judgment or order for execution made by such Court, and may be enforced or executed by such Court, or any Court subordinate thereto, to which it may intrust the enforcement or execution thereof.

And to be enforced according to the practice of the Court as respects its own judgments.

VII. When application shall be made to any of the said Courts to enforce, or execute the judgment of any other Court as aforesaid, the Court, to which the application shall be made or referred, shall proceed to enforce or execute the same, according to its own rules and mode of procedure in like cases; and the last-mentioned Court shall take cognizance of, and punish, all wrongful acts or irregularities done or committed in enforcing and executing such judgment; and all persons disobeying or obstructing the enforcement or execution of any such judgment shall be punishable by such last-mentioned Court, in the same manner as if the said judgment had been pronounced by such Court.

Act to extend to decrees of Military Courts

VIII. The decrees, of which execution is to be general, of any Military Courts of Requests holden within the said

territories under the Government of the East India Company, or mentioned in Section 17, Act No. XI. 1841, may be enforced in the manner provided by this Act. No such decree, however, shall be enforced under this Act against the person of the debtor, if a soldier. In the case of a decree of a Military Court of Requests the copy decree, and certificate, and translation, if any, shall be signed by the Officer Commanding the station or cantonment, who shall describe himself accordingly; and no proof of the decree, or of the signature or appointment of such Officer, or of the jurisdiction of the Court, shall be necessary, unless the Court to which the same may be presented shall think fit, under any peculiar circumstances to be specified in an order, to require the same.

of Requests, but execution not to be against the person of Soldier.

IX. A petition for execution under this Act of any judgment of a Moonsiff's Court, or of any decree of a Military Court of Requests, may be written on plain paper.

Petition for execution of certain decrees to be on plain paper.

X. An appeal shall lie from any order for the enforcement or execution of a judgment under this Act, in the same manner, and subject to the same rules and regulations, as if the judgment had been originally given by the Court making such order.

Same appeal against execution under this Act as in other cases.

XI. In this Act the word "judgment" means a judgment in a civil suit or proceeding, and includes any final decree or order in a civil suit or proceeding. The word "party" shall include any person who would be entitled to maintain a suit upon the judgment. The masculine gender shall include the feminine, and the singular number shall include the plural.

Interpretation of words "judgment," "party," &c.

ACT No. XXXIV. OF 1852.

Repealed by Act XIII. 1856.

AKYAB and KYOUK PHYOO.

ACT No. XXXV. OF 1852.

1. *From 1st May, 1853, Poll Tax abolished.*
2. *Every dwelling-house to be assessed at one and half pie for every square cubit of land covered thereby. Such assessment to be payable half-yearly in advance by owner or occupier.*
3. *In case of non-payment within 8 days after demand, assessment may be levied by distress and sale.*
4. *Demand how to be made.*
5. *Power of entry into dwelling-house or adjoining land in order to measure.*
6. *Power to cause a number to be attached to dwelling-house for identification. Penalty for removing, &c., such number.*
7. *Tenant may deduct from rent the amount of any assessment paid or levied.*
8. *Commissioner may exempt any building from assessment.*
9. *No assessment to be impeached for mistake, or removed by Certiorari, or quashed except on the merits.*
10. *Appeal to lie to Commissioner.*
11. *Boundaries of towns of Akyab and Kyouk Phyoo.*

An Act for the abolition of the Poll Tax within the towns of Akyab and Kyouk Phyoo, in the Province of Arracan, and for levying a tax on lands covered by dwelling-houses within those towns.

Whereas it is expedient to abolish the poll tax now levied within the towns of Akyab and Kyouk Phyoo, in the province of Arracan, and instead thereof to levy a tax upon land covered by dwelling-houses within the said towns; It is enacted as follows:

From 1st May, 1853, Poll Tax abolished.

I. After the first day of May, 1853, the levy of a poll tax, within the towns of Akyab and Kyouk Phyoo in the province of Arracan, shall cease.

Dwelling-houses to be assessed at one and half pie for every square cubit of land covered thereby, payable yearly in advance by owner or occupier.

II. After the said first day of May, 1853, a Principal Assistant of the district in which the same shall be situate, shall, from time to time as he shall think fit, assess every dwelling-house within the aforesaid towns of Akyab and Kyouk Phyoo, respectively, at the rate of one pie and a half for every square cubit of land covered by such dwelling-house;

the length of the cubit being estimated at eighteen inches: the amount of the said assessment shall be payable every year by the owner or occupier of such dwelling-house, by equal half-yearly payments to be made in advance.

If not paid within eight days after demand, assessment may be levied by distress and sale.

III. In case of non-payment of the amount assessed upon any dwelling-house within eight days after the same shall have been demanded as hereinafter mentioned, it shall be lawful for a Principal Assistant of the district in which such dwelling-house shall be situate, to cause such amount, or so much thereof as shall remain unpaid, together with a reasonable sum for costs, to be levied by distress and sale of the goods and chattels, to whomsoever belonging, found in such dwelling-house, or upon the goods or chattels of the owner thereof, wheresoever they may be found within the said towns, respectively; or the owner of the said dwelling-house may be sued for the amount: Provided, that no distress shall be made upon the goods and chattels of any person, other than the owner of the dwelling-house, for more than the arrears of assessment for the preceding year.

Demand, how to be made.

IV. The demand above referred to shall be made in manner following:—A written demand, signed by a Principal Assistant of the district, or some officer authorized by him in that behalf, identifying the dwelling-house, and specifying the amount claimed, the dimensions of the land covered by the dwelling-house, and the period in respect of which the amount is claimed, shall be delivered by the officer appointed to collect the same to the tenant, or occupier of the said dwelling-house, or in case the demand cannot be delivered to such tenant or occupier, or there be no tenant or occupier, the same may be fixed to some conspicuous part of the dwelling-house.

Power of entry into dwelling-house or adjoining land in order to measure.

V. It shall be lawful for a Principal Assistant of the district in which any such dwelling-house shall be situate, or any officer who may be authorized so to do, by writing, signed by such Principal Assistant, at any reasonable time in the day time, to enter into such dwelling-house, or any land adjoining

thereto, in order to measure or ascertain the extent of land covered by such dwelling-house.

A number may be attached to dwelling-houses for identification.

VI. It shall be lawful for a Principal Assistant of the district, in which any dwelling-house liable to be assessed under this Act shall be situate, to cause a number to be painted on or affixed to such dwelling-house, for the better identifying the same; and if any person shall wilfully remove, obliterate, or destroy such number, he shall be punishable by the Principal Assistant, or a Magistrate, or any officer lawfully having the powers of a Magistrate, by a fine, not exceeding Twenty Rupees for every such offence, and in case of non-payment thereof, by imprisonment for any term not exceeding fifteen days.

Tenant may deduct from rent any assessment paid or levied.

VII. In case the amount of the said assessment, or any part thereof, shall be paid by any tenant, or the same be levied by seizure and sale of his goods and chattels, such tenant may deduct the amount of the payment or levy from the rent then due, or thereafter to become due, to his landlord; and such deduction shall be equivalent to payment of that amount; and the owner of any dwelling-house shall indemnify any person whose goods may be distrained for any assessment thereon, or who may pay such assessment in order to avoid a distress or sale of his goods for such assessment.

Commissioner may exempt any building from assessment.

VIII. The Commissioner of Arracan may, at his discretion, exempt any building from assessment.

No assessment to be impeached for mistake, &c.

IX. No assessment made under the authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to assessment, or of any thing chargeable with assessment, provided the directions of this Act be in substance and effect complied with; and no assessment nor proceedings, nor other matter or thing had or done under this Act shall be removed by *certiorari*, or quashed, or set aside, for want of form or error of procedure in any Court of Justice, but only on the merits.

Appeal to lie to Commissioner.

X. An appeal shall lie to the Commissioner of Arracan by any one who shall feel aggrieved by anything done under this Act.

XI. For the purposes of this Act, the following shall be the boundaries of the towns of Akyab and Kyouk Phyoo, *viz.*: Boundaries of towns of Akyab and Kyouk Phyoo.

The boundaries of Akyab—to the north, the Charoogya creek; to the west, the said creek and a road running west and south until it joins the Bund called Morton's Bund, which leads down to the sea shore; to the south, the sea; to the east the Akyab river and harbour.

The boundaries of Kyouk Phyoo—to the north, the sea; to the east, Oon Khyoung or Salt Golah creek; to the west, the Cantonments; to the south, Kulabadong Lands, Kangyeendan village, and Nga Tsoung's Grant.

ACT No. I. OF 1853.

Repealed by Act XVII. 1862.

GENERAL.

ACT No. II. OF 1853.

Recites Act IV 1837, which opens the territories of the E. I. Co. to all British Subjects; also recites doubts as to liability of certain British Subjects to certain local liabilities incident to land-holding.

1. *No person, by reason of place of birth or descent, to be exempt from any charge, assessment or duty of a public nature.*

2. *Every person to be subject to same laws and jurisdictions as natives, for default of any public duty.*

An Act to remove doubts as to the liability of all subjects of Her Majesty to the same jurisdictions as Natives in respect of public and Police duties and public charges incident to the holders of land or their local Agents or Managers.

Whereas, by virtue of Act No. IV. 1837, it is lawful for any subject of Her Majesty to acquire and hold in perpetuity, or for any term of years, property in land or in any emoluments issuing out of land, in any part of the territories under the Government of the East India Company; and whereas doubts have arisen whether all subjects of Her Majesty, acquiring or holding property in land or in any emoluments issuing out of land, or acting as local Agents or Managers of such property, are subject to the same jurisdictions as Natives, for enforcing the discharge of public and Police duties incident to the holding of such property, or for the enforcement of public charges and assessments upon or in respect thereof; and whereas it is just and reasonable that all persons who may think fit to hold such property, or to be the local Agents or Managers thereof, should be liable to the public burthens and duties incident thereto, and, in case of neglect or refusal to discharge the same, should be subject to the same jurisdictions as Natives; It is therefore declared and enacted as follows:

I. No person whatever, being the owner, holder, or farmer of any property in land, or in any emoluments issuing out of land, in any part of the said territories, whether in perpetuity or for a term, or being a local Agent or Manager of any such property, is by reason of his place of birth, or by reason of his descent, exempt from any public charge or assessment, or from any duty connected with the Police, or with the Salt or Opium Revenue, or from any duty whatsoever of a public nature, to which he would otherwise be subject, as the owner or holder of such property, or as a local Agent or Manager thereof.

II. For the non-payment of any such public charge or assessment, or for the breach of any such duty as aforesaid, or for any neglect or misconduct in the discharge thereof, every person, whatever may have been his place of birth or his descent, shall be subject to the same laws, regulations, and procedure, and to the same jurisdictions, as if he were a Native of the said territories.

ACT No. III. OF 1853.

Repealed by Act XVIII. 1854, Sec. 30.

ACT No. IV. OF 1853.

MADRAS.

Abolishes the tobacco monopoly in Coimbatore, Malabar and Canara, and Regs. VII. and VIII. of 1811 *and parts of Reg. V.* 1831.

An Act for the abolition of the Government monopoly of Tobacco in the provinces of Coimbatore, Malabar and Canara.

Whereas it has been deemed expedient, that the monopoly of Tobacco in the provinces of Coimbatore, Malabar and Canara, shall be abolished, Regulations VII. and VIII. of 1811, and such parts of Regulation V. of 1831, of the Madras Code, as relate to the said monopoly, are hereby rescinded.

THE STRAITS.

ACT No. V. OF 1853.

Repeals last proviso of Sec. 7 of Act IV. 1839; but prohibits J. P. from having a voice in any case in which he is the party aggrieved.

An Act for the amendment of Act No. IV. of 1839.

From the passing of this Act so much of Section 7, of Act No. IV. of 1839, as enacts that "no Justice of the Peace, being a proprietor or renter of a spice plantation or otherwise directly interested in the enforcement of the provisions of the said Act, shall sit and have a deliberative voice in the Court of Quarter Session when held at a Station where such Justice may be so interested," is repealed. Provided, that no Justice of the Peace shall sit and have a deliberative voice in any case in which he may be the party aggrieved.

BENGAL.

ACT No. VI. OF 1853.

1. *The Collector, in whose Collectorate the greater part of the lands are situate, shall conduct the sale thereof, and try summary suits regarding arrears or exactions of rent.*
2. *If in doubt whether the greater part of the lands lie in his Collectorate, Collector may refer to the Board of Revenue for orders.*
3. *Defines the term "Collectorate."*
4. *An independent Deputy Collectorate to be deemed a Collectorate within this Act.*
5. *Defines the term "independent Deputy Collector."*
6. *Notice of sale may be stuck up at cutcherry of independent Deputy Collector.*
7. *An independent Deputy Collector may exercise all powers in all parts of his district.*
8. *Notice to be stuck up in what Zillah Court.*
9. *Antecedent proceedings by wrong Officer, or after insufficient notice, to be valid, unless proceedings shall have been taken to invalidate them, prior to this Act.*
10. *Act XXV.* 1850, *and Reg. VIII.* 1819, *as modified thereby and by Reg. VII.* 1832, *Sec.* 16, *extended to sales under Act VIII.* 1835.

An Act relating to Summary Suits for Arrears of Rent, to sales of Putnee Talooks and other saleable tenures, and to sales of land in satisfaction of Summary Decrees for rent.

Whereas, by Regulation VIII. 1831 of the Bengal Code, the hearing and decision of Summary Suits or claims relating to arrears or exactions of rents were transferred from the Judges of the Zillah or City Courts to the Collectors of Land Revenue of the several districts; and whereas, by Regulation VII. 1832, of the Bengal Code, the conduct of sales of Putnee Talooks and other saleable tenures under Regulations VIII. 1819, and I. 1820 of the same Code, and the performance of other acts preparatory to or connected with such sales, were transferred to the Collector or Deputy Collector of Land Revenue, or Head Assistant to the Collector or Deputy Collector, subject to an appeal as therein provided; and whereas by Act VIII. 1835, the power theretofore vested in the Judges of the Dewanny Adawlut of selling land in satisfaction of Summary Decrees for rent was transferred to the Collectors of Land Revenue, and it was enacted that all sales for the recovery of arrears of rent held under Clause 7, Section 15, Regulation VII. 1799, should be conducted by the Collector, his Deputy, or duly authorized Assistant, and that ten days' notice should be given of such sales by advertisement to be stuck up at the Cutcherry of the Zillah Court or local Adawlut, and that of the Collector; and whereas it is expedient that Act XXV. 1850, and Section 9, Regulation VIII. 1819, of the Bengal Code, as modified by Clause 1, Section 16, Regulation VII. 1832 of the same Code, and as altered by the said Act XXV. 1850, should be extended to sales under Act VIII. 1835; and whereas doubts may be entertained as to who ought to exercise the jurisdiction transferred by the above-mentioned Regulations and Acts, where lands situate within the zillah or other district of one Collector form part of an entire estate, paying revenue to the Collector of another zillah or district: In order therefore to avoid such doubts, and also to define who are the proper Officers to exercise such jurisdictions in cases where lands are situate in a district assigned to an independent Deputy Collector, and

also in cases where lands, held in Putnee or other tenure at one entire rent, are situate in two or more Collectorates, and to prevent any such decision or sale already made from being held invalid upon the ground of its having been made by an Officer of a wrong district; It is enacted as follows:

The Collector, in whose Collectorate the greater part of the lands are situate, shall conduct the sale thereof, and try summary suits.

I. If the lands which may be the subject of any such sale, or to the rent of which any such suit may relate, be all situate in one Collectorate, the Collector of such Collectorate is the Collector to conduct the sale, or to hear and decide the suit. If one Talook or tenure shall comprise lands situate in two or more Collectorates, or if any lands situate in two or more Collectorates be held under one lease or engagement, or at one entire rent, the Collector, in whose Collectorate the greater part of such lands shall be situate, is the Collector to conduct the sale of such Talook, or tenure, or of such lands, and to hear and decide any summary suit relating to arrears or exactions of rent in respect thereof.

If in doubt Collector may refer to the Board of Revenue for orders.

II. If a Collector, to whom application shall be made to exercise any of the powers above mentioned, shall entertain any doubt as to whether the lands or the greater part of them are situate within his Collectorate, he shall report the case for the order of the Board to which he is subordinate, and if ordered by such Board to proceed in the matter, such order shall be conclusive upon the question of his jurisdiction.

Defines the term "Collectorate."

III. The word "Collectorate" in this Act means the zillah or other district, to which a Collector is appointed, and no lands situate beyond the limits of such zillah or district shall be deemed to be situate within the Collectorate, by reason of their forming part of an estate paying revenue to the Collector thereof.

An independent Deputy Collectorate to be deemed a Collectorate.

IV. An independent Deputy Collector may, within his Deputy Collectorate, exercise all the powers and jurisdictions of a Collector with which he may be entrusted, in the same manner and to the same extent as a Collector may do within

his Collectorate, and with reference to the exercise of such powers and jurisdictions, his Deputy Collectorate shall be deemed a Collectorate, and he shall be deemed to be a Collector within the meaning of this Act.

Defines the term "independent Deputy Collector."

V. An independent Deputy Collector is an officer appointed by Government to act as Deputy Collector, independently of a Collector, whether his office is one for the receipt of revenue or not. A Deputy Collectorate is the district within which an independent Deputy Collector is directed by Government to act.

Notice may be stuck up at cutcherry of independent Deputy Collector.

VI. In cases of sales by an independent Deputy Collector under the abovementioned Regulations or Act, any notice, thereby required to be stuck up at the cutcherry of the Collector, may be stuck up at the cutcherry of the Deputy Collector.

VII. An independent Deputy Collector may exercise the powers assigned to him over any part of his Deputy Collectorate in public cutcherry, in whatever part of his Deputy Collectorate the same may be situate or held.

VIII. Any notice, required by the above-mentioned Regulations or Act to be given by advertisement to be stuck up at the cutcherry of the Zillah Court or local Adawlut, shall be stuck up at the Zillah Court or local Adawlut, within the jurisdiction of which the lands to be sold, or the greater portion of them, as the case may be, shall be situate.

Antecedent proceedings by wrong Officer, or after insufficient notice, rendered valid.

IX. No order, decision, or sale, made in the discharge of any of the duties aforesaid under any of the aforesaid Regulations, or under the aforesaid Act, before the passing of this Act, shall be disputed, or deemed invalid, upon the ground that the Collector, Deputy Collector, or other officer making the same, was not the Collector, Deputy Collector or officer of the proper district; or upon the ground that the Cutcherry, at which notice of such sale was given, was not the Cutcherry of the proper district, unless proceedings shall, previously to

the passing of this Act, have been commenced, for the purpose of disputing the validity of such order, decision, or sale, upon such ground.

Act XXV. 1850, and Reg. VIII. 1819, extended to sales under Act VIII. 1835.

X. Act XXV. 1850, and Section 9, Regulation VIII. 1819 of the Bengal Code, as modified by Clause 1, Section 16, Regulation VII. 1832 of the same Code, except so far as the same has been altered by the said Act XXV. 1850, are hereby extended to all sales under Act VIII. 1835.

GENERAL.

ACT No. VII. OF 1853.

Recites 53 Geo. III. c. 155, s. 105 and expediency of extending the same as amended by Act IV. 1843.

1. *Extends the said Stat. and Act to cases of specified petty offences against person or property, committed by European British subjects in the Mofussil.*

2. *Powers given to Magistrates in such cases may be exercised by Joint Magistrates, &c.*

An Act to extend the jurisdiction of Magistrates, under the 53rd George 3rd, Cap. 155, Sec. 105, in cases of assault, forcible entries, and other injuries accompanied with force, not being felonies.

Whereas, by an Act passed in the 53rd year of the reign of King George the Third, it was enacted amongst other things that it should be lawful for any Native of India resident in the East Indies or parts therein mentioned, and out of the Towns of Calcutta, Madras and Bombay, in case of any assault, forcible entry, or other injury accompanied with force, not being felony, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the Magistrate of the zillah, or district where the alleged offender should be resident, or in which such offence should have been committed, and that such Magistrate should have the power and authority therein mentioned: and whereas Natives of India, resident in the East-Indies, upon complaints

referred by them under the aforesaid provisions of the said Act, may be prevented from obtaining redress under the same, by reason of their inability to prove the place of their birth; and whereas it is expedient to extend the aforesaid provisions of the said Act as amended by Act IV. 1843, to cases of assault, forcible entries, and other injuries accompanied with force, not being felonies, committed in any part of the territories under the Government of the East India Company, not being within the said Towns of Calcutta or Madras, or the Islands of Bombay and Colaba, or the Settlement of Prince of Wales' Island, Singapore and Malacca, against the person or property of any person whatever, whether a Native of India or not: It is enacted as follows:

I. The provisions of the said Act of the 53rd George 3rd and of Act IV. 1843, so far as the said provisions extend to cases of assault, forcible entries, or other injuries accompanied with force, not being felonies, against the person or property of any Native of India, are hereby extended to the case of any assault, forcible entry, or other injury accompanied with force, not being felony, which may at any time hereafter be committed in any part of the territories under the Government of the East India Company, not being within the said towns of Calcutta or Madras, the said Islands of Bombay and Colaba, or the said Settlement of Prince of Wales' Island, Singapore and Malacca, by any British subject or other person, against the person or property of any person whatever.

II. The powers in such cases given to the Magistrate of the zillah or district may be lawfully exercised by any Joint Magistrate, or other person lawfully exercising the powers of a Magistrate, in the case of any such offence as aforesaid, which may hereafter be committed within the district over which his authority extends.

BOMBAY.

ACT No. VIII. OF 1853.

1. *Act XVII. 1844 repealed, and the lapsed state of Colaba subjected to the General Regulations.*
2. *Civil Courts not to take cognisance of 5 specified classes of suits.*
3. *G. in C. may exempt Yeshuda Baee Saheb Angria from jurisdiction of Civil Courts.*

An Act for bringing the lapsed State of Colaba under the Laws of the Presidency of Bombay.

Whereas it is no longer necessary that the lapsed State of Colaba should be exempted from the general rules of the British Administration; It is hereby enacted as follows:

I. From and after such day as shall be appointed in that behalf by the Governor of Bombay in Council, by Proclamation to be made and published in the *Bombay Gazette*, Act XVII. 1844, shall be repealed, and the lapsed State of Colaba mentioned in that Act shall be subject to all Regulations and Acts which are, or shall be, in force within the territories subject to the Presidency of Bombay.

II. Suits on the following subjects shall not be cognizable by the Civil Courts within the said lapsed State of Colaba:

1st. All claims for damages against persons in authority under the late Government, for abuse of power during that period.

2nd. All claims against Government on account of Enams.

3rd. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th. All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District or Village Officers.

5th. All claims on account of village debts, all village boundary disputes, and village disputes regarding the use of wells and water-courses.

III. The Governor of Bombay in Council is empowered to exempt from the jurisdiction of the Civil Courts, in all matters partaking of the nature of a civil suit, Yeshudabaee Saheb Angria, a relative of the late Angria Sirkell, and to declare this lady amenable to the authority of an Agent whom he may appoint for this purpose.

ACT No. IX. OF 1853. BENGAL.

Limits operation of Act VI. 1853, to future sales.

An Act to amend Act No. VI. 1853.

It is hereby enacted that the first eight Sections of Act No. VI. of 1853 shall not extend to any case in which a petition for the sale of any saleable tenure was presented on the first day of Bysack, 1260, of the Bengal era, nor to any case in which any proceedings were pending at the time of the passing of the said Act.

ACT No. X. OF 1853. BENGAL.

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1. *Act XXII 1836, Sec 4, repealed.*
2. *Government may regulate the time for boats, &c. to remain in the canal and may establish demurrage charges.*
3. *Extends to demands under this Act, the provisions of Act XXII. 1836.*

An Act to amend Act No XXII. of 1836.

Whereas it is expedient to prevent boats, rafts and floats from remaining longer than necessary in any part of the lines of navigation described in Act No. XXII. of 1836, it is enacted as follows:

I. Section 4, of the said Act is repealed, except as to rent now due under any order or notification made in pursuance of the provisions thereof.

II. The Governor of Bengal shall be competent to prescribe the length of time during which boats, rafts or floats may remain in any part of either of the lines of navigation aforesaid without paying rent or demurrage, and also the rate of rent or demurrage to be levied on any boat, raft or float which shall remain therein longer than the prescribed time.

III. The provisions of Sections 7, 8 and 9 of the said Act, so far as they apply to rent, are hereby extended to the rent or demurrage to be prescribed in pursuance of this Act.

BOMBAY.

ACT No. XI. OF 1853.

1. *Collector may give notice in Form No. 1, that after one month he will remove specified nuisance, obstruction or encroachment in the Harbour.*
2. *Persons denying Collector's right may petition Supreme Court to stop his proceedings.*
3. *Onus probandi to lie on petitioner.*
4. *Petition not to be received after one month, unless for good cause.*
5. *If petition be not presented or not prosecuted or dismissed, Collector may cause abatement or removal of nuisance &c. by Warrant in Form No 2.*
6. *Collector may sell the materials of nuisance, &c. to defray expenses of removal, and may forfeit surplus.*
7. *Act not to affect the rights of the E. I. C. as trustees for the Crown.*
8. *Defines the term "High-water Mark."*

An Act to facilitate the removal of Nuisances and Encroachments below High-water Mark in the Islands of Bombay and Colaba.

Whereas there is a large sea-shore in the Islands of Bombay and Colaba, and it is expedient, with a view to the safe navigation of the Harbour of Bombay and to the public interests generally, to facilitate the removal of nuisances, obstructions and encroachments below high-water mark in the said Har-

bour, or upon or about the shores of the said Islands, it is enacted as follows;

Collector may give notice that after one month he will remove specified nuisance, &c., in the Harbour.

I. It shall be lawful for the Collector of Land Revenue at Bombay to give notice requiring the removal of any nuisance, obstruction or encroachment any where below high-water mark in the said Harbour of Bombay, or upon or about the shores of the said Islands. Such notice shall be given by affixing the same in some conspicuous place on or near to the encroachment, obstruction or nuisance complained of, and by publication thereof in the *Bombay Government Gazette*, and shall state that unless the nuisance, obstruction or encroachment be removed or abated within one month, the same will be removed or abated by the said Collector; such notice may be in the Form No. 1, in the Schedule to this Act annexed, or to the like effect.

Person denying Collector's right may petition Supreme Court to stop his proceedings.

II. If any person shall deny the right of the said Collector to effect such abatement or removal, he shall, within one month after such notice shall have been given as aforesaid, apply to the Supreme Court of Judicature at Bombay, by petition, setting forth the grounds of his alleged right, and praying that the said Collector may be restrained from causing such abatement or removal, and the said Court may thereupon (on the petitioner's giving sufficient security for costs,) fix a time for hearing and adjudicating upon such petition, and give such directions and make such orders as the said Court may think just, and the said Court may also make an order for restraining the alleged nuisance, obstruction or encroachment from being extended, or from being abated or removed by the said Collector, until after adjudication upon the said petition, or the dismissal thereof for want of prosecution.

Onus probandi to lie on petitioner.

III. Upon the hearing of every such petition, the *onus* of proving the alleged right shall be on the petitioner.

Petition not to be received after one month.

IV. No person shall be allowed after the expiration of such period of one month to present any such petition as afore-

unless for good cause. said, unless on satisfactorily accounting to the said Court for the delay.

If petition be not presented or not prosecuted or dismissed, Collector may cause abatement of nuisance, &c, by Warrant.

V. If no such petition shall be presented within the said period of one month, or if the same be presented and determined against the right of the petitioner, or be dismissed for want of prosecution, it shall be lawful for the Collector to cause such abatement or removal as aforesaid, by any person or persons to be authorized by Warrant under his hand, and such Warrant may be in the Form No. 2, in the Schedule to this Act annexed, or to the like effect; and the said Collector, and any person acting under his Warrant, shall not be answerable for any damage unavoidably occasioned in the removal of any such nuisance, obstruction or encroachment.

Collector may sell the materials of nuisance, &c, to defray expenses of removal, and may forfeit surplus.

VI. The said Collector may sell the materials of any encroachment or obstruction removed under this Act, and may apply the proceeds of sale in or towards payment of the expenses of the removal, and if any surplus shall remain, the same shall be forfeited, and be paid and applied in such manner as the Governor of Bombay in Council shall direct.

Act not to affect the rights of the E. I. C. as trustees for the Crown.

VII. Nothing in this Act shall prejudice or affect the rights of the East India Company as trustees for the Crown in any part of the said Harbour, or of the sea-shore of the said Islands, or preclude or interfere with any such proceedings, civil or criminal, for abating such nuisances and encroachments as aforesaid, as might have been had if this Act had not been passed.

Defines the term "High-water Mark."

VIII. The words "high-water mark" in this Act shall mean the ordinary line of high-water at monsoon tides.

SCHEDULE.

Form No. 1.

Notice is hereby given by the Collector of Land Revenue in Bombay, under Act No. XI. of 1853, that *(describe the en-*

croachment) is to be removed or abated within one month from the date hereof, otherwise the same will be removed or abated by the said Collector under the authority of the said Act. Dated the ——— day of ——— in the year of our Lord.
——— *(Signature of Collector.)*

FORM No. 2.

This Warrant, granted by the Collector of Land Revenue in Bombay, under Act No. XI. of 1853, is to authorize ——— of ——— to remove *(describe encroachment.)* Dated ———
(Signature of Collector.)

ACT No. XII. OF 1853.

Repealed by Act XVIII. 1854, *Sec.* 39.

ACT No. XIII. OF 1853.

BOMBAY.

1. *Brings under the General Laws, the villages and hamlets named in the Schedule.*
2. *Certain specified tracts to be, and to be deemed to have been since 27th February,* 1845, *subject to the General Laws of the Bombay Presidency.*
Schedule.

An Act for bringing under the operation of the Regulations and Acts in force in the Presidency of Bombay, certain Territories subordinate to that Presidency.

Whereas the possessions of the Chief of Vishalghur, situate below the Ghauts in the Southern Concan, have been added to the British Territories :

I. It is hereby enacted, that from and after the First day of September, 1853, the villages and hamlets mentioned in the annexed Schedule shall be subject to all Regulations and Acts which are, or shall be in force within the territories subject to the Presidency of Bombay.

II. It is hereby further enacted that the Pergunnahs of Yawul, Chopra, and Pachora, and the Turf of Lohara, in the province of Khandesh, formerly belonging to His Highness Scindia, and which have been permanently ceded to the British Government, shall be deemed to have been subject from the 26th of February, 1845, to the Regulations and Acts in force in the Bombay Presidency, to the same extent as if the said Purgunnahs and Turf had not been transferred to His Highness Scindia after the passing of Regulation XXIX. of 1827 of the Bombay Code, and shall continue to be subject to the same extent to all Regulations and Acts, which are or shall be in force within the territories subject to the Presidency of Bombay.

SCHEDULE.

Territorial description of the villages forming the Ghera of the Vishalghur Fort formerly belonging to the Pritinidhee of Vishalghur: they are bounded on the East by the Syhadree range, on the South and West by the Lanje Turf of the Rutnaghirree District, on the North by the Dewulé Turf of the Rutnaghirree District.

The Ghera is comprised of the under-mentioned villages and hamlets, 19:

1 Mouza Deode.
2 Ditto Bhudkumbé.
3 Ditto Wanjolee.
4 Ditto Kochré.
5 Ditto Veerowlee Boozoorg and Gowil.
6 Ditto Kolé Wadee.
7 Ditto Paloo.
8 Ditto Salpé.
9 Ditto Keirbet.
10 Wadee Ranjun.
11 Wadee Udhistee.
12 Ditto Chinchoortee.
13 Ditto Wud.
14 Mouzah Moorshee.
15 Ditto Bhowde.
16 Wadee Tipowné.
17 Khor Nimks Prubhau Wulla.
18 Wadee Oombrowné.
19 Ditto Manchal.

ACT No. XIV. OF 1853.

GENERAL.

1. *An inventory of the effects on board ship or on shore of Commissioned Officer of the Indian Navy dying out of the United Kingdom to be made, and transmitted together with an account of his debts, and credits to the Marine Secretary at Bombay, by the First Lieutenant of the Ship or other Officer within one month.*

2. *An inventory of the effects and credits of Non-commissioned Officer, Seaman, &c., to be similarly taken, and surplus, after liquidation of his Marine or Ship debts, to be paid over to the Marine Secretary at Bombay.*

3. *If Officer or Seaman die on board another ship, the above course to be followed, both there and in the ship to which he belongs.*

4. *If Officer or Seaman die away from his ship and not on temporary duty, a Committee of three Officers to be appointed for the above purposes.*

5. *Officers selected shall undertake and faithfully discharge the above duty.*

6. *Effects and credits of deserters shall be collected in like manner, and surplus credited to Government.*

7. *Officers performing this duty legally empowered to administer, and the Administrator General not to do so unless required.*

8. *Effects how to be distributed Debts to be decided by order or certificate of Marine Secretary. Indemnity to persons making or receiving payment.*

9. *Provisions as to probate, letters of administration or stamp duty.*

10. *Effects, or proceeds or surplus thereof, may be paid in any place in India without probate or letter of administration.*

11. *Marine Secretary to cause effects, or surplus, or proceeds transmitted to him to be paid to the legal representative if in India, and if not, to be remitted to the Court of Directors in London for distribution.*

12. *Application of Act confined to Europeans.*

13. *Acts heretofore done under rules of G. in C. dated 27th July, 1844, legalized, and this Act substituted for such rules hereafter.*

An Act for regulating the collection and distribution of the Effects of Officers, Seamen and others dying in the Marine Service of the East India Company called the Indian Navy.

Whereas it has been deemed expedient, in pursuance of the provisions of an Act passed in a Session of Parliament holden in the 3rd and 4th years of the reign of Her Majesty Queen Victoria, to provide for the due collection, conversion into money, application, remittance and distribution of the effects of Officers, Engineers, Soldiers, Marines, Seamen

and all others, belonging to the Marine Establishment of the East India Company called the Indian Navy, who shall die in the service of the said Company out of the United Kingdom. and for the discharge of their marine debts, It is enacted as follows:

An inventory of the effects, debts and credits of Commissioned Officer of the Indian Navy dying out of the United Kingdom to be transmitted to the Marine Secretary at Bombay within one month.

I. When any Commissioned Officer belonging to the Indian Navy shall die in the service of the East India Company out of the United-Kingdom, whether his death shall take place on board ship or on shore, the First Lieutenant of the ship or vessel to which such Officer belonged at the time of his death, or the Officer of such ship or vessel next in rank to the Commander thereof, or the Commander himself if there is no other Commissioned Officer on board, or any Officer he may appoint, shall immediately secure all the effects and equipage of the deceased on board the said ship or vessel, or on shore in quarters, and any other effects of the deceased within the territorial possessions of the East India Company which the Commander of such ship or vessel shall direct or authorize to be collected or secured, and shall with all convenient speed, and not later than one month after the death of the Officer, with the assistance of two other Officers not under the rank of Purser or of Clerk in charge, such clerk having served not less than two years at sea, to be appointed by the Commanding Officer of the said ship or vessel, make an inventory thereof, and transmit that inventory together with an account of the debts and credits to the Office of the Secretary to the Government of the Presidency of Bombay in the Marine Department, to the end that, after payment of such Officer's marine or ship debts and the expenses of his interment where any shall have been incurred, the overplus if any shall be paid over by the said Secretary to the legal representatives of the Officer so deceased as hereinafter mentioned.

An inventory of the effects and credits of Non-commissioned Officer, Seaman, &c., to be similarly taken, and surplus, after

II. When any Non-commissioned Officer, Seaman or other person belonging to or serving in the Indian Navy shall die out of the United Kingdom in the service of the East India Company, whether his death shall take place on board ship or

on shore, the First Lieutenant of the ship or vessel to which such Non-commissioned Officer, Seaman, or other person belonged at the time of his death, or the officer of such ship or vessel next in rank to the Commander thereof, or the Commander himself if there be no other Commissioned Officer on board, or any officer he may appoint, shall immediately secure all the effects and equipage of the deceased on board the said ship or vessel, or on shore in quarters, and any other effects of the deceased within the territorial possessions of the East India Company which the Commander of the ship or vessel shall direct or authorize to be collected or secured, and shall with all convenient speed, not later than one month after the death, in the presence of two other Officers of the rank in the preceding section mentioned, to be appointed by the Commander of the said ship or vessel, take an inventory thereof and of his credits, and shall take care that the same be applied in the first instance to the liquidation of his marine or ship debts, the remainder, if any, to be paid over to the Secretary to the Government of Bombay in the Marine Department in order that the same may be paid to the legal representatives of the deceased.

liquidation of his Marine or Ship debts, to be paid over to the Marine Secretary.

III. When any such Commissioned or Non-commissioned Officer or Seaman, or other person shall, at the time of his death as aforesaid, have been detached temporarily from his own ship and shall be serving with another ship at a distance from his own, the Officers of the ship in which the deceased was serving, as well as the Officers of the ship to which the deceased belonged, at the time of his death, shall act in manner above directed in Sections 1 and 2, of this Act.

Course of procedure, when Officer or Seaman dies on detached duty in another ship.

IV. If any Commissioned Officer, or Non-commissioned Officer, Seaman, or other person belonging to or serving in the Indian Navy shall die within the Presidency of Bombay, away from the ship or vessel to which he belongs, except when temporarily serving with another ship, the Commander-in-Chief of the Indian Navy shall in such case appoint a Committee, consisting of such three Officers as he may direct, to secure the

Course of procedure in case of death away from the ship, and not on temporary duty in another ship.

effects of the deceased, or such of them as he may direct, and to apply the same and act in regard thereto as in the first and second Sections of this Act mentioned.

Duty obligatory on Officers appointed to it.

V. The said First Lieutenant and other Officers to be selected and appointed for the purposes aforesaid are hereby required to take upon them the said duties and faithfully discharge the same, and in all respects to conform to the provisions and regulations hereinafter particularly specified.

Residue of effects, &c, of Deserters after payment of debts to be confiscated.

VI. The effects and credits, within the territories under the Government of the East India Company, of Deserters from the Indian Navy, shall be collected and applied in like manner in payment of their marine or ship debts, and the remainder, if any, shall be brought to the credit of the said Company.

Officers appointed, to have legal power to administer to the estate, and Administrator General not to interpose unless required.

VII. It shall be lawful for the Officers or other persons, so authorized as aforesaid to secure and collect the effects or any part of the effects of any such deceased Officer, Seaman or other person so dying as aforesaid, to ask, demand and receive any such effects to which his authority shall extend, and to commence, prosecute and carry on any actions or suits for the recovery thereof, and to sell and dispose of or otherwise deal with the same without taking out any Letters of Administration, either with any will annexed or otherwise, in every respect as if such Officers or persons employed or authorized as aforesaid had been appointed executors, and had proved the will or had taken out administration of such effects; and no Administrator General, Registrar of any Court in the East Indies, or any person acting under the appointment or authority of such Court *ad colligenda* or otherwise, shall in any manner interpose in relation to any such effects, unless required or authorized so to do by any such Officer or person so authorized as aforesaid.

Mode of administering to the estate. Priority of Marine or ship debts.

VIII. All sums of money due by deceased Officers, Engineers, Marines, Seamen and other persons belonging to or serving in the Indian Navy, to the Indian Navy Fund, or in respect of mess-bills unadjusted since the last regular issue of

pay-bills, or in respect of Military or Marine clothing appointments, or of equipments or other articles supplied from the ship's stores or of servants' wages due, or of any ship expenses during the current month, or of any sanatarium or hospital charges, or of any mess or marine or ship accounts, and all sums of money due to any Agent or Pay-master, or Purser, or any other Officer upon any such account, or on account of any advance made for any such purpose, and also any charges or expenses attending or relating to the illness or funeral of any such Officer, Seaman or other person, shall be deemed and taken to be marine, or ship debts, and shall be paid out of any arrears of pay or allowances, or out of any prize or bounty money, or the equipage, goods, chattels and effects of any Officer, Seaman or other person dying out of the United Kingdom while in the service of the said Company, in preference to any other debts, claims or demands whatsoever upon the estate and effects of such Officer, Seaman or other person, and if any doubt shall arise as to whether any claim or demand made in relation to any Officer, Seaman or other person is a marine or ship debt or not, or whether such charges or expenses attending or relating to the illness or funeral of such Officer, Seaman or other person are proper to be allowed, or whether any such marine or ship debts remain due, such question shall be decided and concluded by any Order or Certificate to be made by the Secretary to the Government, and all such payments shall be good and valid in law; and every person who shall make any such payment out of any such arrears of pay, effects, or proceeds as aforesaid under the provisions of this Act, or in pursuance of any such Order or Certificate of such Marine Secretary, or into whose hands any such money shall come, shall be and is hereby indemnified for and in respect of such payments, and all other acts, matters and things done in pursuance of the provisions of this Act, or of the Order or Certificate of the said Secretary in relation to the distribution of such assets, any thing in any Act or Acts or law or laws to the contrary notwithstanding.

Protection to Officers administering.

IX. All such marine or ship debts shall and may be paid

Stamp Duty, and Probate, and Letters of Administration, how far dispensed with.

without Probate of any will or any Letters of Administration, and surplus only of such arrears of pay or allowances, prize or bounty money, equipage, goods and chattels, or the proceeds thereof, shall be deemed the personal estate of the deceased for the payment of duty in respect of any Probate or of any Letters of Administration or for the purpose of distribution as personal estate, and it shall be lawful for the said Secretary to order and direct the payment or distribution of any such surplus, in any case in which the same shall not exceed Five Hundred Company's Rupees, without any Probate or Letters of Administration, or payment of any Duty of stamps or upon legacies or otherwise, and it shall also be lawful for any Paymaster or other person to issue any sum not exceeding the value of Five Hundred Company's Rupees which may be due to any such deceased Officer, Seaman or other person unto the widow or relative of any such Officer, Seaman or other person, or unto the representative or representatives of any such widow or relative in India in like manner, without any Probate or Letters of Administration or payment of any Duty of stamps, or upon legacies or otherwise, the same to be paid to the person who shall be notified by the said Secretary as aforesaid as being entitled thereto, and all such payment respectively shall be as valid and effectual to all intents and purposes, as if the same had been made by or to any executor or administrator or under the authority of any Probate or Letters of Administration, anything in any Act or Acts or law or laws to the contrary notwithstanding.

Probate, &c., dispensed with on remission of effects or proceeds to any place out of the Bombay Presidency.

X. Any such effects, or the proceeds or surplus of such effects of any Officer, Seaman or other person so dying, when remitted to any person under any order of the Secretary to the Government of Bombay, or to such Secretary, shall not, by reason of coming to the hands of such person or Secretary, be taken to be assets or effects in the place to which such proceeds or surplus may be remitted, so as to render it necessary that administration should be taken out in respect thereof; and it shall be lawful for the Secretary to the Government of Bombay to order that such effects, or the proceeds or surplus of any

such effects, shall be remitted to any other place in India where the same can more conveniently be paid over to the person or persons entitled thereto, and the obedience to the orders of such Secretary in respect to the payment and disposal of any such effects, proceeds or surplus of such effects, shall be a discharge from all actions, suits and demands in respect thereof, to any person to whose hands any such effects, proceeds or surplus shall have come, and which shall been paid and disposed of under the order of such Secretary.

XI. The effects or the proceeds or surplus of effects of any such Officer, Seaman or other person dying as aforesaid, which shall remain after satisfying such marine or ship debts as aforesaid, shall with all convenient speed be transmitted to such Secretary as aforesaid, by the Officer or person employed or required to take care of, collect and receive the same, and such Secretary shall cause the same or the surplus thereof, remaining after satisfying such debts, and after and subject to such payment and application as is hereinbefore authorized, to be paid to the executor or legal representative (if in India) of such Officer, Seaman or other person, or if such executor or legal representative shall not be in India, or shall not within twelve months from the death of such Officer, Seaman or other person claim such surplus, then and in that case such Secretary shall remit the said surplus to the Court of Directors of the East India Company in London, to be by them paid to the executor or legal representative of such Officer, Seaman or other person so deceased, and such remittance at the end of twelve months as aforesaid shall be a discharge to such Secretary from all actions, suits and demands in respect of such surplus; Provided always, that the Registrars of Her Majesty's several Supreme Courts in India shall not, nor shall the Administrator General of either of the said Presidencies, be required or entitled to take out Letters of Administration with the will annexed, or otherwise in respect of such surplus.

Undisposed of residue to be remitted, after twelve months, to the Court of Directors for distribution.

XII. The provisions of this Act are intended to apply only to European Officers and Seamen, and to other persons

Operation of Act confined to Europeans.

being Europeans belonging to the Indian Navy, who may die as aforesaid.

Government Rules dated 27th July, 1844, superseded.

XIII. And whereas the Governor in Council of Bombay made certain Rules, bearing date 27th July, 1844, to be observed on the decease of European Officers and European Seamen belonging to the Indian Naval Service, purporting to be Rules made in pursuance of the provisions of the said Act of the 3rd and 4th Victoria and the Articles of War thereto annexed, and which Rules have been acted upon, it is hereby enacted that the said Rules shall no longer be acted upon, but that all acts heretofore done within any part of the territories under the Government of the East India Company, which were authorized by the said Rules shall be deemed to be valid, and that no act thereby authorized to be done shall be questioned in any Court of Justice in any part of the territories under the Government of the East India Company.

ACT No. XV. OF 1853.

Repealed by Act X. 1861.

ACT No. XVI. OF 1853.

Repealed by Act X. 1861.

BENGAL, N. W. P.

ACT No. XVII. OF 1853.

Recites death of Maharajah Benaick Rao and expediency of subjecting to the Regulations the Jagheer granted to his father.

1. *Repeals Reg. VII.* 1816.
2. *Subjects certain districts to the ordinary law.*
3. *All criminal cases to be tried by it, and all civil cases also, where the law does not operate unjustly.*
4. *Final decisions prior to* 6*th July*, 1853 *not to be disturbed.*
5. *Offences under Secs.* 3 *and* 4 *of Reg. VII.* 1816, *prior to this Act, not to be dealt with under it.*

An Act to repeal Regulation VII. of 1816, and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.

Whereas a tract of land situated near the town of Teroha, in the district of Banda, was granted as an independent Jagheer by the British Government to the Maharajah Imrit Rao, and whereas by Regulation VII. of 1816, of the Bengal Code, it was enacted that from and after the date of that Regulation, the jurisdiction of the Courts of civil and criminal judicature and the operation of the general Regulations should not extend to the tract of land aforesaid, and whereas Maharajah Benaick Rao, son of the said Maharajah Imrit Rao, died on the 6th day of July, 1853, and it is now expedient to repeal the above-mentioned Regulation; It is enacted as follows:— **Recites death of Maharajah Benaick Rao and expediency of subjecting to the Regulations the Jagheer granted to his father.**

I. Regulation VII. of 1816, of the Bengal Code, is hereby repealed. **Reg. VII. 1816, repealed.**

II. The said tract of land being part of the district of Banda, all Laws and Regulations now in force within that district shall be in force in the said tract of land. **Certain districts subjected to the ordinary law.**

III. All cases, civil or criminal, in which the cause of action arose or the offence was committed within the said tract of land before the passing of this Act, may be tried and determined by the Courts of the said district of Banda, and the general Laws and Regulations now in force there may be applied and administered by the said Courts in the trial, and determination of such cases; but, if in any civil case it shall appear that the application of the said Laws and Regulations would operate unjustly, if applied to the trial and determination thereof, it shall be lawful for the said Courts to try and determine the same according to equity and good conscience. **All antecedent criminal cases to be tried by the general law, and all civil cases also where the law does not operate unjustly.**

IV. Provided always, that no Courts shall try or determine any case, civil or criminal, with respect to which a final decision was pronounced previously to the said 6th day of July, 1853, by any Court or person within the said tract of land, **Final decisions prior to 6th July, 1853, not to be disturbed.**

having at the time of the decision lawful power and authority to pronounce it; and that, with the exception of cases within the provisions of Section 4, of the said Regulation VII. of 1816, no act committed within the said tract of land prior to the 31st day of August, 1853, shall be deemed an offence punishable under the provisions hereof, if at the time of the commission of such act the same was not contrary to the laws then in force in the said tract of land.

Offences under Secs. 3 and 4 of Reg. VII. 1816, prior to this Act not to be dealt with under it.

V. Nothing in this Act shall extend to any crime or offence within the provisions of Section 3 or 4, of the said Regulation, committed before the passing of this Act, but every such crime or offence shall be dealt with and punished as if this Act had not been passed.

GENERAL.

ACT No. XVIII. OF 1853.

1. *Penalty on person not subject to military law, who supplies liquor to European Soldiers without license within cantonments.*

2. *Severer penalty for second offence.*

3. *Penalties on camp follower, &c., having within cantonments without Permit more than one seer of liquor; for first and subsequent offences.*

4. *Exception of liquor introduced for private use of Commissioned officer.*

5. *Police Officer may arrest without warrant any offender against this Act, and may seize the prohibited liquor; but shall take both without delay before a Magistrate.*

6, 7. *Penalty on person obstructing Police Officer—and on Police Officer failing duly to take before a Magistrate, or arresting or seizing without warrant or probable cause.*

8. *Police Officer not to act under Section 5, without written authority.*

9, 10. *Vessel, liquor, &c., may be forfeited, or detained till the decision of the case, and fine may be awarded to the informer.*

11. *Appeal not to lie.*

12. *European British subjects to be amenable.*

13. *In Bombay, Superintendent of Bazars may enforce this Act.*

14. *Act not to apply to articles supplied for medicinal purposes by proper persons.*

15. *Defines the terms; Cantonment, Soldier, Magistrate, and spirituous liquor.*

16. *When and how this Act is to be brought into operation.*

An Act for Regulating the sale of Spirituous Liquors, &c. in Cantonments.

Whereas it is expedient to regulate the sale of spirituous liquors, wine and intoxicating drugs within Military Cantonments, it is enacted as follows :

Penalty on person not amenable to articles of war for selling spirituous liquor within any Cantonment without license from Officer commanding.

I. If within any Military Cantonment, or within any limits around the same to which the provisions of this Act shall be extended by an order of Government to be publicly notified, any person not amenable to Articles of War or any sutler or camp follower shall knowingly barter, sell, or supply, or offer, or attempt to barter, sell or supply any spirituous liquor, wine or intoxicating drug to or for the use of any European Soldier, or to or for the use of any European or Eurasian being a camp follower or a soldier's wife, without a license from the Officer commanding at the station, or from some person having sufficient authority from the Commanding Officer to grant such license, the person so bartering, selling or supplying or offering or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug, as aforesaid, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or, in the discretion of the Magistrate, to imprisonment, with or without hard labor, for any period not exceeding one calendar month.

Penalty for repetition of the above offence.

II. If any person convicted of an offence under Section 1 of this Act, shall be convicted under that Section of an offence subsequently committed, he shall be liable to a fine not exceeding One Hundred Rupees, or to imprisonment, with or without hard labor, for any period not exceeding three calendar months; and in such case any spirituous liquor, wine or intoxicating drug, within such Cantonment or limits, which at the time of the commission of such subsequent offence shall belong to or be in the possession of such person, shall, without further proof be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

Camp follower, &c., having in possession without permit more than one seer or quart of spirituous liquor, to be liable to same penalties.

III. If any Camp follower or Military pensioner, or the wife or the widow of any Soldier, Camp follower or Military pensioner, shall within such Cantonment or limits remove, convey, or have in his or her possession any quantity of spirituous liquor, or wine, exceeding one seer or quart, without a permit, to be signed by the Officer in command, or such other Officer as may be appointed by him to grant permits under this Act; every such person shall be liable upon conviction to a fine not exceeding Fifty Rupees, and for any subsequent offence to a fine not exceeding One Hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three calendar months.

Exemption.

IV. Section 3 of this Act shall not apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

Authorized Police Officer may arrest offender without warrant and seize liquor and vessel containing same, &c., and shall take them all without delay before a Magistrate.

V. If any person, subject to the provisions of this Act, shall be found committing any offence contrary thereto, any Police Officer, authorized under this Act, may immediately without warrant arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and anything used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon without delay take such person, together with the things so seized, before a Magistrate or other officer having jurisdiction to punish the offender.

Fine of Rs. 100 on person obstructing Police Officer, and on Police Officer unreasonably delaying to take before Magistrate.

VI. Any person, who shall obstruct any Police Officer in making any arrest or seizure under this Act, and any Police Officer, who shall not, without unreasonable delay, take the person or thing so arrested or seized before a Magistrate or other officer having jurisdiction to punish the offence, shall be liable, on conviction before a Magistrate, to a fine not exceeding One Hundred Rupees.

Fine of Rs. 100 on Police Officer arresting with-

VII. Any Police Officer, who under color of this Act shall, without probable cause, make any arrest or seizure without

a warrant, shall, on conviction before a Magistrate, be liable to a fine not exceeding One Hundred Rupees, which fine or any part of it may be ordered by the Magistrate to be paid to the person aggrieved.

out Warrant or probable cause.

Police Officer not to act without written authority, general or special.

VIII. No Police Officer shall be competent to act under the provisions of Section 5 of this Act, unless he shall have a general or special authority so to do, granted to him in writing by the Commanding Officer, or other officer empowered by him to grant the same, or by the Officer in the immediate charge of the Police.

Magistrate may confiscate liquor, vessel, &c., and may order whole or part of fine to be paid to informer or arresting or seizing officers.

IX. In case of a conviction for any offence under this Act, the convicting Magistrate may adjudge any liquor, wine, or intoxicating drug, in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug, which shall be found in his possession at the time of committing the offence, and any vessel containing the same, together with any thing used for the purpose of conveying, removing, or concealing the same, or any part thereof, to be confiscated; and such Magistrate may order the whole or any part or parts of any fine imposed under this Act, to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the officer who shall have apprehended the offender, or seized any of the goods adjudged to be confiscated.

Magistrate may order articles seized to be detained till trial.

X. A Magistrate may order anything seized under the provisions of this Act, in respect of which any person shall be charged with an offence, to be detained until the person in whose possession the same shall have been seized shall be convicted or acquitted of the offence charged. If the person shall be acquitted, the things so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by a Magistrate to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

No appeal to lie

XI. No appeal shall lie from any order or conviction under the provisions of this Act.

European British Subjects to be amenable.

XII. European British Subjects shall be amenable to the jurisdiction of a Magistrate for any offence against the provisions of this Act.

In Bombay Superintendent of Bazars may punish.

XIII. Within the Presidency of Bombay the Superintendent of Bazars may punish any person for any offence against the provisions of this Act in the same manner and to the same extent as he is now authorized to do in any of the cases mentioned in Clause 3, Section 26, Regulation XXII. of 1827 of the Bombay Code.

Act not to apply to articles supplied for medicinal purposes.

XIV. This Act shall not apply to the sale or supply of any article for medicinal purposes, by recognized medical practitioners, chemists, or druggists.

Definition of terms.

XV. In the construction of this Act the word "Cantonment" shall include a "Fortress, or Garrison" or Military Bazar Station; the word "Soldier" shall include any Non-Commissioned Officer; the word "Magistrate" shall include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, or a Justice of the Peace; the words "Spirituous liquor" shall include toddy in a state of fermentation, or after it has been fermented. Words in the singular number shall include the plural, and words denoting the masculine gender shall include the feminine.

Act not to operate within limits round a cantonment till after one month from notification of order specifying such limits.

XVI. This Act shall not come into operation before the 1st day of January, 1854, and, shall not take effect within any limits around a Cantonment which shall be specified in any order of Government, before the expiration of one month from the date of the notification of such order, and any order for extending the provisions of this Act to any limits around a Cantonment may from time to time be varied, altered or suspended by Government.

*ACT No. XIX. OF 1853.

BENGAL.

1. *Reg. XXIII. 1814, Ss. 33, 73, Reg. XXIV. 1814, S. 11, and Act VI. 1843, partially repealed.*

2. *Party to suit competent to give evidence on either side, but party offering himself as witness to be examined in open Court unless by consent.*

3. *No person to be incompetent to give evidence by reason of interest or relationship.*

4. *Husband and wife competent to give evidence for or against each other, provided it be in open Court.*

5. *Party to a suit may be compelled to give evidence and produce documents, unless he satisfy the Court that he can give no material evidence.*

6. *After filing of exhibits, &c., Court to appoint a day for examination of witness and hearing.*

7. *The list of witnesses to include the names of all witnesses and all documents required.*

8. *Summons for attendance of a party to a suit as witness, to be issued only on special application to the satisfaction of the Court.*

9. *Court may issue notice to such party to show cause why he should not be summoned.*

10. *Court may receive from such party a written declaration. False statement therein to be perjury.*

11. *If sufficient cause shall not be shown, the party shall be summoned.*

12. *Any person may be summoned to produce a document on prior payment of expenses of witness. On attendance of witness, further sum may be ordered to be paid, and if not paid, levied by attachment and sale.*

13. *Summons to state time and place and purpose of attendance.*

14. *Summons to be served personally, if possible.*

15. *And sufficiently early to allow time for preparation and travelling.*

16. *Person summoned merely to produce a document, may cause it to be produced.*

17. *Person summoned to give evidence, must attend.*

18. *Person producing document, need not be sworn.*

19. *Witness not a party, not bound to produce his own title deeds, unless in pursuance of agreement.*

20. *No witness bound to produce a document of State.*

21. *Party to the suit not bound to produce irrelevant document, nor correspondence with his legal adviser, unless he be a voluntary witness.*

* The whole of this Act, except Secs. 19, and 26, is repealed as regards suits or proceedings under Act VIII. 1859 by Act X. 1861.

Sec. 40 was repealed by Act X. 1855.

22. *Witness summoned to produce a document must produce it to the Court, though there be a valid objection. Court shall determine such objection and may inspect the document and have it read by an interpreter, sworn to secrecy. Procedure, if the production of the document be not compelled.*

23. *Professional agent not to disclose professional communication without the consent of his client, unless such client be a voluntary witness in the case.*

24. *Witness refusing to attend, give evidence, subscribe his deposition, or produce document liable to fine of Rs. 500, to be levied by attachment and sale. Procedure, if such witness be a party to the suit.*

25. *Any person present in Court may be compelled to give evidence or produce document then in his power.*

26. *Witness neglecting or refusing to obey summons duly served, to be liable in a civil action for damages sustained by the party issuing the summons.*

27. *If a material witness evade service of snmmons, Court may issue a proclamation in prescribed manner for his attendance, and on his failing to attend, his property may be attached and sold. Summary appeal within one month shall lie from order for attachment and sale.*

28. *Costs of attachment and release therefrom on appearance of witness and satisfaction of Court.*

29. *Summary appeal within one month as to all orders as to fine or imprisonment.*

30. *Decision of case not to be postponed longer than Court may think proper for non-production of document or non-attendance of witness, unless the witness be a party to the suit.*

31. *Evidence to be taken orally in open Court under personal superintendence of the Judge, in writing in the form of a narration, and to be signed by witness or in case of his refusal, by the Judge. Procedure, if any question be objected to.*

32. *Commission for examination of female witnesses.*

33. *Court may postpone the hearing for sufficient cause on such terms as seem reasonable. Procedure in such case.*

34. *Hearing to take place in regular course, unless regularly postponed. Parties or their pleaders to be heard orally after the whole of the evidence is taken.*

35. *Before hearing the pleaders, the Court may require further evidence for its own satisfaction.*

36. *Judge may order witnesses out of Court, whether parties or not, under penalty of consequences of contempt of Court.*

37. *A party to a suit, if examined as a witness, to be subject to same rules and penalties as other witnesses.*

38. *The word witness to include "party." Deposition of a party may*

be read in evidence at instance of opposite party, but not otherwise, except at the discretion of the Court on account of sickness, infirmity, or distance.

39. *Appeal not to lie from order for summoning a party as witness or allowing deposition to be read.*

40. *Repealed.*

41. *Interpretation. "Court." "Judge." "Suit." "Witness."*

42. *Act to extend only to civil proceedings in Bengal, and not to include Supreme Court.*

43. *Ss. 9—11 not to extend to Chittagong or Sylhet.*

44. *Act to take effect on 1st January, 1854.*

An Act to amend the Law of Evidence in the Civil Courts of the East India Company in the Bengal Presidency.

Whereas the law of evidence administered by the Civil Courts of the Presidency of Fort William in Bengal, and the rules for the attendance and examination of witnesses, and the production of documents in such Courts, require amendment; It is enacted as follows:

Certain laws, partially repealed.

I. Sections 33 and 73, Regulation XXIII. 1814, of the Bengal Code, so far as they are inconsistent with provisions of this Act, Section 11, Regulation XXIV. 1814, of the same Code, except so far as it relates to the signing and issuing of any process of Court to which the signature of the Judge may not be specially required, and Section 1, Act VI. 1843, so far as it is authorizes the examination of witnesses according to the rules established by Section 11, Regulation XXIV. 1814, aforesaid, are hereby repealed.

Party to suit competent to give evidence on either side, but if he offer himself as witness, he shall be examined in open Court unless by consent.

II. In any regular or summary suit, appeal, or proceeding in any of the Civil Courts of the East India Company, and also in any summary suit, or other proceeding of a civil nature before any Court, Officer, or other person having by law or by consent of parties authority to examine witnesses, any party to such suit, appeal, or proceeding shall be competent and entitled to give evidence as a witness either on his own behalf, or on behalf of any other party to the suit, appeal, or proceeding, in the same manner as if he were not a party to the same. Provided that no party to a suit, appeal or proceeding, who shall offer

himself as a witness therein, shall, without the consent of all parties thereto, be examined otherwise than in open Court, in such manner as the Court may direct, having regard to the usages and customs of the country, unless such examination shall be taken under and subject to the Rules prescribed by Section 32, or 38 of this Act.

No person to be, by reason of interest or relationship, incompetent to give evidence.

III. No person shall, by reason of any interest in the result of any suit or of any interest connected therewith, or by reason of relationship to any of the parties thereto, be incompetent to give evidence in any such suit.

Husband and wife competent as witnesses for or against the other, provided it be in open Court.

IV. A husband or wife shall be competent to give evidence for or against the other, provided that the examination shall take place in open Court in such manner as the Court may direct having regard to the usages and customs of the country, or that it be taken and read under and subject to the rules prescribed in Section 32, or 38 of this Act; provided also, that any communication made by husband or wife to the other during their marriage shall be deemed a privileged communication, and shall not be disclosed without the consent of the person making the same, unless such communication shall relate to a matter in dispute in a suit pending between such husband and wife.

Party to a suit may be compelled to give evidence and produce documents. Proviso.

V. Any party to a suit may be compelled to give evidence as a witness therein, and also to produce any document in his possession or power, in the same manner, by the same process, and subject to the same rules, as if he were not a party to the suit, except so far as is otherwise provided by this Act. Provided, that no Court need to compel the attendance of any party to such suit for the purpose of giving evidence therein, if such party shall satisfy the Court that he has no personal knowledge of any material subject of enquiry in the suit, and that he cannot give any material evidence therein. Nothing in this Clause shall exempt any party to a suit from being summoned to produce a document.

After filing of exhibits, &c., Court to appoint a day for exa-

VI. After the parties, in a suit in which according to the practice of the Court a day is fixed for the hearing, shall

have filed their exhibits and lists of witnesses, the Court shall by an order in writing appoint a day, not less than fifteen days after the date thereof, for the examination of witnesses and the hearing of the suit.

mination of witnesses and hearing.

The list of witnesses to include all witnesses and all documents required.

VII. The list of witnesses required to be furnished in any suit shall include the names of all the witnesses, whether parties to the suit or not, whom the party filing the list may intend to call as witnesses or whom he may require to be summoned to give evidence or produce any document, also a list of the documents which he may require to be produced.

Summons for attendance of a party to a suit as witness, to be issued only on special application to the satisfaction of the Court.

VIII. If any party to a suit shall require the attendance of any other party thereto as a witness to be enforced, he shall by himself or his pleader make a special application to the Court for an order for a summons to compel the attendance of the party, and shall show to the satisfaction of the Court sufficient grounds in support of such application, otherwise a summons shall not be issued. In cases in which, according to the practice of the Court, a day is fixed for the hearing, the application shall be made before such day shall be fixed.

Court may issue notice to such party to show cause why he should not be summoned.

IX. The Court, upon the application of the pleader of any party to a suit whose attendance as a witness is required, or without such application if the Court think fit so to do, may, before making such order, cause notice to be given to the party or his pleader fixing a day for such party to shew cause why he should not attend and give evidence, and may also, from time to time if necessary, for good and sufficient cause, enlarge the time for such purpose.

Court may receive from such party a written declaration and false statement therein to be perjury.

X. *Clause* 1. In support of the cause shown, the Court shall receive a declaration in writing of the party, if signed by him, and delivered into the Court by himself or his pleader.

Clause 2.—If the party making such declaration shall wilfully and corruptly make any false statement therein, he shall be deemed guilty of perjury, and shall be proceeded against, and upon conviction punished accordingly.

If sufficient cause shall not be shown, the party shall be summoned.

XI. If no sufficient cause be shown on the day fixed or upon any subsequent day to which the Court shall enlarge the time for that purpose, the Court shall cause a summons to be issued for compelling the party to attend and give evidence.

Any person may be summoned to produce a document on prior payment of expenses of witness. On attendance of witness, further sum may be ordered to be paid.

XII. The Court, on the requisition of any party to a suit or his pleader, may cause a summons to be issued to every person who shall be required to produce any material document. Previously to the issuing of any summons for the attendance of any person to give evidence or produce a document, the party requiring the same shall pay into Court such sum as shall appear to the Court to be reasonable to defray the travelling and other expenses of such person in passing to and from the Court in which he may be required to attend and give evidence, and for one day's attendance thereat. In fixing the sum to be paid into Court, regard shall be had to the rules, if any, established by the Court or Board, if any, to which such Court shall be subordinate The sum so paid into Court shall be tendered to the witness at the time of serving the summons, if it can be served personally. In addition to the sum so paid into Court, the Court, before whom any person who may attend in pursuance of a summons or proclamation to give evidence or produce any document, may order such further sum to be paid to the person so attending by the person causing the summons or proclamation to be issued, as may appear to be necessary to defray his travelling and other expenses, and also the expenses of his detention under the summons or proclamation, and, in case of default in payment, may order such sum to be levied by attachment and sale of the goods of the person ordered to pay the same, and the witness shall not be bound to give evidence or produce any document until such sum shall be paid.

Summons to state time and place and purpose of attendance.

XIII. Every summons for the attendance of a witness to give evidence, or to produce a document, shall require the intended witness to attend at a time and place to be named

in the summons, and shall also state whether the attendance of the witness is required for the purpose of giving evidence, or producing a document, or for both purposes. If a witness, whether a party to the suit or not, is required to attend and to produce before the Court any document alleged by the party summoning him to be in his possession or power, a direction to attend the Court with such document, shall be inserted in the summons, and the document which the witness may be so called upon to produce shall be described in the summons with convenient certainty.

Summons to be served personally if possible.

XIV. Every such summons shall, if possible, be served personally upon the person thereby required to attend, by showing the original to such person, and at the same time delivering or tendering to him a copy thereof.

And sufficiently early to allow time for preparation and travelling.

XV. Such service must be made a sufficient time before the time specified therein for his attendance to allow the witness a reasonable time for preparation and for travelling to the place at which his attendance is required.

Person summoned merely to produce a document, may cause it to be produced.

XVI. Any person, whether a party to the suit or not, may be summoned to produce a document without being summoned to give evidence, and any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

Person summoned to give evidence, must attend.

XVII. Any person who shall be summoned to appear and give evidence shall be bound to attend at the time and place named for that purpose.

Person producing document need not be sworn.

XVIII. Any person attending to produce a document may be called upon to produce the same without being sworn or examined as a witness.

Witness, not a party, not bound to produce his own title deeds, unless in pursu[ance]

XIX. A witness, not a party to the suit or proceeding in which he is summoned, shall not be bound to produce his own title deeds, unless he shall have agreed in writing with the

ance of agreement.

party requiring the production thereof, or with some person through whom he claims to produce such deeds.

No witness bound to produce a document of state.

XX. A witness, whether a party or not, shall not be bound to produce any document relating to affairs of State, the production of which would be contrary to good policy, nor any document held by him for any other person who would not be bound to produce it if in his own possession.

Party to the suit not bound to produce irrelevant document, &c., unless he be a voluntary witness.

XXI. A witness, being a party to the suit, shall not be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production, nor any writing or correspondence which may have passed between him and any legal professional adviser. If any party, however, offer himself as a witness, he shall be bound to produce any such writing or correspondence, in his custody, possession, or power, if relevant or material to the case of the party requiring its production.

Witness summoned to produce a document must produce it, though there be a valid objection. Court to determine such objection and may inspect the document. Procedure if the production of the document be not compelled.

XXII. Every witness summoned to produce a document shall, if the same be in his custody, possession, or power, be bound to produce it, or cause it to be produced to the Court, although there be a valid objection to the right of the party calling for it to compel its production, or to the reading or putting it in as evidence, or to the disclosure of the contents thereof. The validity of any such objection made by the person producing the document shall be determined by the Court, and for the better determination thereof, it shall be lawful for the Court to receive any admissible evidence which the person producing the document may give respecting it, and it shall also be lawful for the Court to inspect the document, and if necessary to call to its assistance any person whom it may appoint to interpret the same. Such person, however, shall be previously sworn truly to interpret the same to the Court alone, and not to disclose the contents thereof except to the Court, unless the Court shall order the document to be given in evidence. If the Court shall be of opinion that such document should not be produced, the Court shall not disclose the contents

thereof to the parties, or take any note, or make any mention of the contents or effect thereof in its judgment or proceedings, but shall return the document at once to the party producing the same, having previously marked the same for the purpose of identification, and shall record in its proceedings that a document, identifying it by the mark put upon it, was called for by the person, naming him, who shall call for its production, that the person having the possession of the document, naming him, objected to its production, and the reasons, if any, for such objection, together with the reasons of the Court for refusing to compel its production. If the Court shall refuse to enforce the production of a document, or to receive the same in evidence, the Court of appeal may, upon a regular appeal, compel the production of such document, and if such Court shall think that the production of the same ought to have been enforced, or that it ought to have been received in evidence, may themselves enforce its production, and receive it in evidence and decide the case upon such document, coupled with the other evidence given in the suit.

Agent not to disclose professional communication without the consent of his client, unless such client be a voluntary witness.

XXIII. A Barrister, attorney, or vakeel, shall not, without the consent of his client, disclose any communication made by the client to him in the course of his professional employment, nor any advice given by him professionally to his client, nor the contents of any document of his client, the knowledge of which he shall have acquired in the course of his professional employment. The privilege, however, is that of the client, and if any party to a suit shall give evidence therein at his own instance, he shall be deemed thereby to have waived his privilege, and to have consented to the disclosure by such Barrister, attorney, or vakeel, of any such matter as aforesaid which may be relevant, and which the Barrister, attorney, or vakeel would have been bound to disclose but for the privilege of his client, and the Barrister, attorney, or vakeel, shall be bound, upon examination, to disclose any such matter.

Witness refusing to attend to give evidence,

XXIV. If any witness, whether a party to suit or not, to whom any summons to give evidence or produce a docu-

subscribe his deposition, or to produce document, liable to fine of Rs. 500. Procedure, if such witness be a party to the suit.

ment shall have been personally delivered, shall, without lawful excuse, fail to comply with such summons as required by this Act, or attending, or being present in Court, shall, without lawful excuse, refuse to give evidence, or to subscribe his deposition, or to produce any document in his custody or possession, named in such summons as aforesaid, upon being required by the Court so to do, the Court shall have full power and authority to issue an order in writing to the Nazir to apprehend and bring the witness before the Court; or, if he be already before the Court, to take him into custody. And such Court may impose on such witness a fine not exceeding Five Hundred Rupees for his default or refusal, realizable by attachment and sale of his property, and may commit him to close custody until he shall consent to give his evidence or to sign his deposition, or to produce the document, and any such fine as aforesaid shall be levied and recovered by attachment and sale of the property of such person. Provided, that no fine imposed under the provisions of this Section shall exceed the amount of the property in dispute in the suit. If any such person shall abscond, or keep out of the way, so that he cannot be seized or brought before the Court, his property shall be liable to attachment and sale in the same manner as is provided by Section 27, of this Act, with respect to a witness on whom the service of a summons cannot be effected. If such person shall be a party to the suit, the Court, instead of proceeding in the manner above pointed out, may, if the witness be a plaintiff, appellant or petitioner, dismiss the complaint, appeal or petition, with costs against such party, or if such party be a defendant or respondent, may hear and decide the case against such defendant or respondent *ex-parte*. If any such complaint, appeal or petition shall be dismissed for such cause, the complainant or petitioner shall be debarred from preferring any other petition, appeal or complaint in respect of the same matter.

Any person present in Court may be compelled to give evidence or produce document then in his power.

XXV. Any person present in Court, whether a party or not, may be called upon and compelled by the Court to give evidence, and produce any document then and there in his actual possession, or in his power, in the same manner and subject to the same rules as if he had been summoned to attend

and give evidence, or to produce such document, and may be punished in like manner for any refusal to obey the order of the Court.

XXVI. Any person, whether a party to the suit or not, to whom a summons to attend and give evidence or produce a document shall be personally delivered, and who shall, without lawful excuse, neglect or refuse to obey such summons, or who shall be proved to have absconded, or kept out of the way to avoid being served with such summons, and any person who, being in Court and upon being required by the Court to give evidence, or produce a document in his possession, shall, without lawful excuse, refuse to give evidence, or sign his deposition, or to produce a document in his possession, shall, in addition to any proceedings under this Act, be liable to the party at whose request the summons shall have been issued, or at whose instance he shall be required to give evidence or produce the document, for all damages which he may sustain in consequence of such neglect or refusal, or of such absconding, or keeping out of the way as aforesaid, to be recovered in a civil action.

Witness neglecting or refusing to obey summons duly served, to be liable in a civil action for damages sustained by the party issuing the summons.

XXVII. If a person, whether a party to a suit or not, for whose attendance either to give evidence or produce a document a summons shall be issued, cannot, after diligent search, to be certified by a return of the Nazir, be found, the Court upon proof that the evidence of such witness, or the production of the document is material, and that the witness absconds, or keeps out of the way to avoid being served with a summons, and that he could not, after diligent search, be found or served with the summons, may cause a proclamation, requiring the attendance of such person to give evidence, or produce the document at a time and place to be named therein, to be affixed in the presence and with the attestation of two respectable householders in some conspicuous place, upon or near to his house or place of abode, and if such person shall not attend at the time and place to be named in such proclamation, and it be proved to the satisfaction of the Court that the witness cannot be found, his property, real and personal,

If a material witness evade service of summons, Court may issue a proclamation for his attendance, and on his failing to attend, his property may be attached and sold. Summary appeal within one month shall lie.

to such amount as the Court shall deem reasonable, (but subject to the same limitation as to the articles exempt from attachment as in case of attachment for arrears of rent,) shall be liable, under an order of the Court, to attachment and sale. Provided always, that, when the order for attachment and sale shall have been issued by any Court subordinate to the Court of Sudder Dewanny Adawlut, a summary appeal shall lie within one month from the date of the order of the subordinate Court to the Court to which its orders are generally appealable; and that the Rules for the time being in force in regard to sales made in execution of decrees, as to the mode and period of attachment and the place or manner of sale, and as to claims of third parties to property attached and notified for sale, shall be held applicable to such sales.

Costs of attachment and release therefrom on appearance of witness and satisfaction of Court.

XXVIII. *Clause* 1.—The cost of the attachment shall be borne in the first instance by the party applying for it, and the Court issuing the summons and attachment shall not proceed to sale of the property, but shall order the same to be released from attachment, if the witness shall appear and satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not notice of the proclamation in time to attend at the time and place named therein. Upon the appearance of such witness, the Court shall make such order in regard to the costs of the attachment as it shall deem fit. If the witness appearing shall fail to satisfy the Court that he did not abscond, or keep out of the way to avoid service of a summons, and that he had not such notice of the proclamation as aforesaid, it shall be in the discretion of the Court to order the property attached or any part thereof to be forfeited and sold for the purpose of satisfying all costs incurred in consequence of such default, absconding, or keeping out of the way, and such fine, not exceeding the amount in dispute in the suit, as the Court may deem fit to impose upon the witness, having regard to all the circumstances of the case, and the condition in life of the witness, or the Court may order the property to be released from attachment upon payment of such costs and fine as aforesaid.

Clause 2.—An order made in pursuance of this Section shall be subject to appeal in the same manner and within the same period, as an appeal against an order for attachment and sale under the last preceding Section of this Act.

XXIX. All orders as to fines, or the levying thereof, or as to imprisonment under this Act, shall be subject to a similar appeal within one month from the date of the order.

Summary appeal within one month on all orders as to fine or imprisonment.

XXX. It shall not be necessary to postpone the hearing or decision of a case for the non-production of a document, or for the evidence of a witness, who may neglect or refuse to attend, or who shall abscond, or keep out of the way, or who cannot be served with a summons, beyond such period as shall appear proper to the Court, having regard to all the circumstances of the case; provided that when a summons shall have been issued for the attendance of a plaintiff or appellant in a suit to give evidence or produce a document, the Court shall, at the request of the defendant or respondent, unless there be good reason to the contrary, postpone the hearing or decision until the plaintiff or appellant can be personally summoned, or shall attend and give evidence, or produce the document required, and that where a summons shall have been issued for the attendance of a defendant or respondent to give evidence or produce a document, the hearing or decision shall, upon the application of the plaintiff or appellant, be postponed in like manner, unless there be good reason to the contrary, until the defendant or respondent can be personally summoned, or shall attend and give evidence, or produce the document required.

Decision of case need not be postponed for non-production of document or non-attendance of witness, unless the witness be a party to the suit.

XXXI. On the day appointed for the hearing, the evidence of the attending witnesses shall be taken orally in open Court, in the presence and hearing, and under the personal direction and superintendence of the Judge. The evidence of each witness given upon such examination shall be taken down in writing, by or in the presence and under the superintendence of the Judge, not ordinarily by question

Evidence to be taken orally in open Court under personal superintendence of the Judge in writing in the form of a narration.

and answer, but in the form of a narrative, and when completed shall be read over to the witness, and signed by him in the presence of the Judge and of the parties to the suit or their vakeels, or such of them as may think fit to attend. In case the witness shall refuse to sign the deposition, the Judge shall sign the same, and record the reason, if any, given by the witness for such refusal, together with such remarks thereon as the Judge shall think fit to make. It shall be in the discretion of the Judge to take down, or cause to be taken down, any particular question and answer if there shall appear any special reason for doing so, or any party or his vakeel shall require it. If any question put to a witness be objected to by either of the parties or their vakeels, and the Court shall allow the same to be put, the question and answer shall be taken down, and the objection, and the name of the party making it, shall be noticed in taking down the depositions, together with the decision of the Court upon the objection. The Judge shall also record such remarks as he may think material respecting demeanor of any witness whilst under examination.

Commission for examination of female witnesses.

XXXII. In cases where the evidence is needed of females, who according to the custom of the country ought not to be compelled to appear as witnesses in a Court of Justice, and in which the Court shall be of opinion that the ends of justice require and justify it, such Court may issue a commission to any Officer of the Court or other person to be named in such commission, for the examination of such females in the hearing of the parties to the suit or their vakeels, in such manner as the Court may direct, having regard to the custom and usage of the country, and with liberty to the parties or their vakeels to cross-examine, any thing in Section 5, Act VII. 1811, to the contrary notwithstanding.

Court may postpone the hearing for sufficient cause on such terms as seem reasonable. Procedure in such case.

XXXIII. On or before the day appointed for trial, the Court may, for any sufficient reason, such as the unavoidable absence of any material witness, or for other good cause, on the application of either party, postpone the hearing to another

day, to be named, on such terms as to the payment to the opposite party of his costs occasioned by the postponement, and otherwise as to the Court shall seem reasonable. In such case notice in writing shall be given to each of the witnesses to attend and give evidence, or to produce a document on the substituted day, instead of the day mentioned in their summonses, if there be time to do so and the Judge shall so order. The notice shall be served in the same manner as a summons. The service of such notice shall have the same effect as if the substituted day had been originally named in such summons as the day for the appearance in Court to give evidence or produce a document, and all the provisions in this Act, relating to summonses to give evidence or produce documents, shall extend to such notices in the same manner as if such notices had been expressly mentioned in such provisions. If the application be too late to serve such notices, the Court may order that the examination of any witness who may be present, or shall attend in pursuance of a summons, shall be proceeded with, and that the further hearing of the case, after the examination of such witness, shall alone be postponed.

Hearing to take place in regular course, unless regularly postponed. Parties or their pleaders to be heard orally after the whole of the evidence is taken.

XXXIV. Unless the hearing be postponed in manner aforesaid, it shall commence on the day appointed, or as soon afterwards as the business which may be pending before the Court and may be entitled to priority will allow, and the recording of evidence on the trial of any suit when begun under the rules above enacted, shall, unless there be good and sufficient reason to the contrary, (which reason shall be recorded) continue on the same day, or on consecutive business days, until the whole of the evidence of the witnesses present shall be heard. The parties or such of them as desire it shall then be heard either by themselves or their pleaders orally on the merits of the case as regards the issues both of fact and law, and after considering the argument and evidence, the Judge shall record his judgment under Act XII. 1843.

Before hearing the pleaders, the Court may re-

XXXV. If the Court, after the evidence of all the witnesses shall have been heard, and before hearing the pleaders

quire further evidence for its own satisfaction.

or recording the judgment, shall think it necessary for the ends of justice to inspect any document, or to examine any party to the suit, or any other person whose evidence may appear to be material, the Court, of its own accord, may cause such party or person to be summoned to attend as a witness to give evidence or to produce such document, if in his possession, on a day to be appointed, and may examine such party or person as a witness in open Court or in such other manner as the Court may direct, upon any question which the party or witness may be bound to answer and the Court may think necessary, and may also compel the production of any document mentioned in such summons, which any such person may have in his possession or power, and be bound to produce. Any witness so called shall be subject to the cross-examination of either party, or his vakeel. If such person, whether a party or not, shall be a female, who, according to the custom of the country, ought not to be compelled to appear as a witness in a Court of Justice, the Court may order such person to be examined in the manner provided by Section 32 of this Act, upon such questions as it may direct. The Commissioner or other person authorized to take the examination in such case may put such further questions as in his judgment may be necessary, or may arise out of the answers to be given to the questions directed by the Court.

Judge may order witnesses out of Court, whether parties or not.

XXXVI. The Judge may cause public notice to be given in Court, either before or during the examination of any witness, requiring all or any other witnesses, whether parties or not who have been summoned or inserted in the list of witnesses in the same cause, to leave and to remain out of Court until further order. Any witness in a cause, who without lawful excuse shall wilfully remain in or come into Court, contrary to such notice, shall be punishable in the same manner as for a contempt of Court in open Court. Whenever such notice shall be given, the consequence of disobedience thereto shall be publicly explained at the time of giving the notice.

XXXVII. Any party to a suit, appeal or proceeding who may be examined as a witness therein, shall, except as otherwise provided by this Act, be examined according to the rules for the time being in force as to the examination of witnesses not being parties to the suit, and shall be punishable for any false evidence given by him, in the same manner as if he were not a party.

A party to a suit, if examined as a witness, to be subject to same rules and penalties as other witnesses.

XXXVIII. The words "witness" and "witnesses" in Act VII. 1841, shall respectively include any party or parties to a suit, and the said Act shall be read as if the words "or party" "or parties" had been used in such Act, in conjunction with the words "witness" or "witnesses" respectively. Provided, that the deposition of a party taken under the provisions of this Section at the instance of any opposite party may be read in evidence by, or on behalf of such last-mentioned party, without the proof required by Section 5 of the said Act. Provided also, that no deposition of any party taken under the provisions of this Section shall be read or used in evidence, unless taken and read at the instance of some opposite party, or unless it shall be proved that the deponent is unable, from sickness or infirmity, to attend to be personally examined, or is, without collusion or any reference to the suit, at so great a distance from the Court, that, in the judgment of the Court, it would be unreasonable to require his personal attendance in Court for the purpose of giving such evidence. In which last-mentioned case it shall be discretionary with the Court, having regard to the nature of the case and of the evidence given, either to allow or to refuse such deposition to be read.

Deposition of a party may be read in evidence at instance of opposite party but not otherwise, except at the discretion of the Court on account of sickness, infirmity, or distance.

XXXIX. No appeal shall lie from any order or decision of a Judge with respect to summoning or examining any party to a suit, or as to allowing a deposition to be read under the Section next preceding.

Appeal not to lie from order for summoning a party as witness or allowing deposition to be read.

XL. *Repealed by X. 1855.*

XLI. In the construction of this Act, unless where it is otherwise expressly provided, or there is something in the sub-

Interpretation. "Court." "Judge." "Suit." "Witness."

ject or context repugnant to such construction, or which would render such construction inapplicable to the case, the word "Court" shall mean any Civil Court of the East India Company and shall include any Judge or other officer or person mentioned in Section 2 of this Act; the word "Judge" shall be understood to mean the chief judicial authority presiding in any such Court, and shall include any officer or person having by law or consent of parties, authority to examine witnesses and to act judicially; the word "suit" shall be deemed to mean and include any suit, appeal or proceeding mentioned in Section 2; the word "witness" shall include all persons, competent and liable to give evidence, whether parties to any suit or proceeding or not. Words importing the masculine gender and singular number shall include the feminine gender or plural number, and *vice versâ*.

Act to extend only to civil proceedings in Bengal and not to include Supreme Court.

XLII. This Act shall extend only to Civil proceedings and to the Presidency of Fort William in Bengal and shall not include any of Her Majesty's Supreme Courts of Judicature.

Ss. 9—11 not to extend to Chittagong or to Sylhet.

XLIII. The provisions of Sections 9, 10, and 11, of this Act shall not extend to the Zillah of Chittagong or Sylhet.

Act to take effect on 1st Jan., 1854.

XLIV. This Act shall come into operation on the 1st day of January, 1854.

GENERAL.

ACT No. XX. OF 1853.

1. *Repeals Reg. XXVII.* 1814, *S.* 16 *of Bengal, and Reg. XIV.* 1816, *S.* 16 *of Madras Code.*
2. *Pleader need not attend in Court, except when business may come on in which he is engaged.*
3. *Attornies to be entitled to plead in the Sudder Courts on same terms as Barristers.*
4. *Act I.* 1846, *S.* 4, *not applicable to Barristers or Attornies.*

An Act to amend the law relating to Pleaders in the Courts of the East India Company.

Whereas it is expedient to amend the law relating to Pleaders in the Courts of the East India Company. It is enacted as follows:

I. Section 16, Regulation XXVII. of 1814 of the Bengal Code, and Section 16, Regulation XIV. of 1816 of the Madras Code, are hereby repealed. Laws repealed.

II. No Pleader shall be bound to attend in any of the Courts of the East India Company, on any day fixed for the transaction of civil business, or to notify to the Court his inability to attend, unless he shall be employed in some cause or business, which, according to the practice of the Court, may be heard or transacted therein on that day, anything in any law or Regulation to the contrary notwithstanding. Pleader need not attend or notify inability to attend in Court, except on day when business may come on, in which he is engaged.

III. Every Attorney on the roll of any of Her Majesty's Supreme Courts of Judicature in India shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the rules for the time being in force in the said Sudder Courts respectively, applicable to Barristers pleading therein, whether relating to the language in which the Court is to be addressed or to any other matter. Attornies as such to be entitled to plead in the Sudder Courts but subject to all rules applicable to Barristers pleading therein.

IV. That part of Section 4, Act No. I. of 1846, which provides that no person shall be admitted a Pleader in any of the Courts of the East India Company, unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, shall not extend to Barristers or Attornies of any of the said Supreme Courts; but every such Barrister and Attorney shall be entitled as such to plead in any of the Courts of the East India Company subordinate to the Sudder Courts, subject to all the rules in force in the said subordinate Courts respectively applicable to Pleaders therein, so far as such rules relate to the language in which the Court is to be addressed or to any other matter connected with pleading therein. Certificate required for pleaders under S. 4, Act I 1846 not to be required from Attornies and Barristers.

ACT No. XXI. OF 1853.

Expired.

ACT No. I. OF 1854.

Repealed by Act VI. 1857.

BOMBAY.

ACT No. II. OF 1854.

1. *Law repealed.*
2. *Court need not be attended by an Assessor.*

An Act to abolish the Office of Assessor to the Court of Petty Sessions at Bombay.

Whereas it is unnecessary to continue the office of Assessor to the Court of Petty Sessions at Bombay; It is enacted as follows:—

I. So much of Article 2, Title 2 of the Rule, Ordinance and Regulation I. of 1831, passed by the Governor in Council of Bombay, as enacts that the Court of Petty Sessions at Bombay therein-mentioned shall constantly be attended by a Barrister-at-law, as and by way of Assessor to the said Court, such Assessor to be a Justice of the Peace and an Advocate of the Supreme Court of Judicature at Bombay, and to be appointed and removable by the Governor in Council, is hereby repealed.

II. It shall not be necessary for the said Court of Petty Sessions to be attended by any person as or by way of Assessor to the said Court.

ACT No. III. OF 1854.

Repealed by Act XXIX. 1861.

ACT No. IV. OF 1854.

BOMBAY.

The Superintendent of Bazars may, in certain cases, execute sentences without submitting his proceedings to the Commanding Officer.

An Act relating to the execution of Sentences in petty cases by Superintendents of Bazars in the Presidency of Bombay.

Whereas the rule, which prohibits a Superintendent of Bazars in the Presidency of Bombay from executing any sentence in the Criminal or Excise branches of his duties until he has submitted his proceedings to the Commanding Officer, and which requires that trials before a Superintendent of Bazars shall be recorded as usual on Courts Martial, has been found to be productive of unnecessary inconvenience and delay in petty cases, and it is expedient to abolish the rule in such cases; It is hereby enacted as follows:—

So much of Section 30, Regulation XXII. 1827 of the Bombay Code, as enacts that the Superintendent of Bazars shall not execute any sentence in the Criminal or Excise branch of his duties until he has submitted his proceedings to the Commanding Officer, and that his trials shall be recorded in writing as usual on Courts Martial, is hereby repealed so far as it shall relate to any sentence which shall hereafter be passed by any Superintendent of Bazars by which any fine not exceeding three Rupees, or any imprisonment not exceeding three days, shall be ordered.

BENGAL.

ACT No. V. OF 1854.

1. *Repeal of parts of Act V. 1838.*
2. *Management of the business of the Association.*
3. *Election of Directors*
4. *Qualification of a Director.*
5. *General Meetings.*
6. *Power to make Bye-laws.*
7. *Dissolution of the Association.*

An Act to amend Act No. V of 1838, relating to the Bengal Bonded Warehouse Association.

Whereas the Bengal Bonded Warehouse Association are desirous that the provisions of Act No. V. of 1838 should be amended, and it appears reasonable that such amendment should be made; It is enacted as follows:—

Repeal of parts of Act V. 1838.

I. Sections 12, 14, 32, and 37, of the said Act are hereby repealed.

Management of the business of the Association.

II. The business of the said Association shall be managed by six Directors, three of whom shall form a quorum.

Election of Directors.

III. The two Directors who are to go out of office by rotation in every year shall go out of office in the month of May, before the holding of the ordinary General Meeting of proprietors directed to be holden in that month; and at such ordinary General Meeting two Directors shall be chosen, and the Directors so going out of office, or either of them, shall be capable of being re-elected in the same year at such General Meeting.

Qualification of a Director.

IV. No person shall be capable of being a Director of the said Association who shall not be a proprietor in his own right of Five shares of the Capital Stock of the said Association.

V. Ordinary General Meetings of the said proprietors shall be held at least twice in every year, that is to say, on the second Wednesday in the month of May and the second Wednesday in the month of November, and at every such ordinary Meeting the Directors of the said Association shall present a Report in writing of the state of the affairs of the said Association, and a balance-sheet; and such General Meeting may declare a dividend out of the profits of the said Association, provided that no dividend shall be made which shall diminish the Capital of the said Association.

General Meetings.

VI. It shall be lawful for the said Association to make Bye-laws for the regulation of its own proceedings, which Bye-laws shall be binding only on its own members and officers; provided, that no such Bye-law shall be valid till it shall have been approved of by one extraordinary General Meeting of Proprietors especially convened for that purpose; provided also, that no such Bye-law shall be valid till it shall have been confirmed by the Governor of the Presidency of Fort William in Bengal.

Power to make Bye-laws.

VII. At any time after the 14th day of March, 1860, it shall be lawful for the Governor-General of India in Council, by an Order in Council, to direct that the said Association shall be dissolved at the expiration of five years from the date of such order; and such order shall of itself have the effect of dissolving the said Corporation at the expiration of the said space of five years, except for the purposes mentioned in Section 39, Act No. V. of 1838.

Dissolution of the Association.

SUPREME COURT.

ACT No. VI. OF 1854.

1. *Style and form of Bills in Equity. No interrogatories.*
2. *Plaintiff may file interrogatories afterwards.*
3. *Defendant's right as to answering.*
4. *Form of answer.*
5. *Plaintiff, on notice and before replication, may move for decree. Affidavits on both sides.*
6. *Discretion of Court as to decree on motion.*
7. *Scandal and impertinence.*
8. *Court may order defendant to produce documents.*
9. *Defendant may file interrogatories.*
10. *Court may order plaintiff to produce documents.*
11. *Plea, answer, &c., how to be sworn.*
12. *Issue how to be joined. Effect of defendant's not answering.*
13. *Motion to dismiss bill.*
14. *Affidavits to be in paragraphs, regularly numbered.*
15. *On consent, cases may be verified by affidavit.*
16. *Evidence may be, by order of Court, on interrogatories or affidavits: but, in general, to be oral.*
17. *On the hearing, Court may order oral examination of any witness or party.*
18. *Subpœna ad testificandum or duces tecum.*
19. *Cross-examination of persons making affidavits.*
20. *Costs in such cases.*
21. *Rules as to claims by residuary legatees, next of kin, heirs, executors, &c.*
22. *Cause not to be set down merely for want of parties.*
23. *Court may order representation of deceased party not represented in the suit.*
24. *Creditors, Legatees, &c., may, without bill or claim, obtain summons on executor, &c., for administration of the personalty of the deceased.*
25. *Copy of documents to be first filed in the office of the Registrar.*
26. *Same procedure for administration of Hindoo and Mahomedan estates.*
27. *In suits for foreclosure, Court may order sale, without determining priorities, or giving time to redeem.*

* See the case of Lazarus v. C. S. Hogg, decided 14th July, 1862, (Indian Jurist, p. 12) in which it was held, that, under the 37th Section of the Letters Patent constituting the High Court, all enactments of the Governor-General in Council, not inconsistent with Act VIII. of 1859, are still in force, and specially Section 24 of Act VI. of 1854. Practically, however, the larger portion of this Act is superseded by the provisions of the Letters Patent with regard to Act VIII. of 1859.

An Act to amend the practice and course of proceeding on the Equity side of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Madras, and Bombay.

Whereas it is expedient to amend the practice and course of proceeding on the Equity side of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Madras, and Bombay respectively; It is enacted as follows:—

Style and form of Bills in Equity. No interrogatories.

I. Every bill of complaint to be filed in any of the said Courts after the time hereinafter appointed for the commencement of this Act, shall contain, as concisely as may be, a narrative of the material facts, matters, and circumstances on which the plaintiff relies, such narrative being divided into paragraphs numbered consecutively, and each paragraph con-

taining, as nearly as may be, a separate and distinct statement or allegation, and shall pray specifically for the relief which the plaintiff may conceive himself entitled to, and also for general relief, but such bill of complaint shall not contain any interrogatories for the examination of the defendant.

Plaintiff may file interrogatories afterwards.

II. Within a time, to be limited by the rules or orders to be made by the Judges of the said Courts respectively in that behalf, the plaintiff in any suit in any of the said Courts commenced by bill, may, if he requires an answer from any defendant thereto, file in the Sworn Clerk's or other proper office of the said Court, interrogatories for the examination of the defendant or defendants, or such of them from whom he shall require an answer, and deliver to the defendant or defendants so required to answer, or to his or their solicitor, a copy of such interrogatories, or of such of them as shall be applicable to the particular defendant or defendants, and no defendant shall be called upon or required to put in any answer to a bill unless interrogatories shall have been so filed, and a copy thereof delivered to him or his solicitor, within the time so to be limited, or within such further time as the Court shall think fit to direct.

Defendant's right as to answering.

III. Whether the plaintiff in any suit in any of the said Courts shall or shall not require any answer from the defendant, or any one or more of the defendants to the bill, such defendant or defendants may, without leave of the Court, put in a plea, answer, or demurrer, to the plaintiff's bill within the time now allowed to the defendant for demurring alone to a bill, or within such other time as shall be fixed by any rules or orders to be framed by the Judges of the said Courts respectively in that behalf: but after that time a defendant or defendants not required to answer the plaintiff's bill shall not be at liberty to put in a plea, answer, or demurrer to the bill, without leave of the Court; Provided, that the power of the Court to grant further time for pleading, answering, or demurring to any bill, upon the application of any defendant or defendants thereto, whether required to answer the bill or not, shall remain in full

force, and shall not be in any wise prejudiced or affected; Provided also that, if the Court shall grant any further time to any defendant for pleading, answering, or demurring to the bill, the plaintiff's right to move for a decree under the provisions hereinafter contained shall in the meantime be suspended.

Form of answer.

IV. The answer of the defendant to any bill of complaint in any of the said Courts may contain not only the answer of the defendant to the interrogatories so filed as aforesaid, but such statements material to the case as the defendant may think it necessary or advisable to set forth therein, and such answer shall also be divided into paragraphs, numbered consecutively, each paragraph containing, as nearly as may be, a separate and distinct statement or allegation.

Plaintiff, on notice and before replication, may move for decree. Affidavits on both sides.

V. The plaintiff in any suit commenced by bill shall be at liberty, at any time after the time allowed to the defendant for answering the same shall have expired (but before replication), to move the Court, upon such notice as shall in that behalf be prescribed by any rule or order to be made by the Judges of the said Courts respectively, for such decree or decretal order as he may think himself entitled to, and the plaintiff and defendant respectively shall be at liberty to file affidavits in support of and in opposition to the motion so to be made, and to use the same on the hearing of such motion; and if such motion shall be made after an answer filed in the cause, the answer shall for the purposes of the motion be treated as an affidavit.

Discretion of Court as to decree on motion.

VI. Upon any such motion for a decree or decretal order, it shall be discretionary with the Court to grant or refuse the motion, or to make an order giving such directions for or with respect to the further prosecution of the suit as the circumstances of the case may require, and to make such order as to costs as it may think right.

Scandal and impertinence.

VII. The practice of excepting to bills, answers, and other proceedings in the said Courts for scandal or impertinence, shall be and the same is hereby abolished; Provided, that it shall

be lawful for any of the said Courts, or for a Judge thereof, to order any scandalous or impertinent matter introduced into any proceeding in the Court to be expunged, and any costs occasioned thereby, together with the costs of any application for the purpose, to be paid by the party introducing the same.

The Court may order defendant to produce any documents.

VIII. It shall be lawful for the Court, upon the application of the plaintiff in any suit in any of the said Courts, whether commenced by bill or by claim, and as to a suit commenced by bill, whether the defendant may or may not have been required to answer the bill, or may or may not have been interrogated as to the possession of documents, to make an order for the production by any defendant, upon oath, of such of the documents in his possession or power relating to matters in question in the suit as the Court shall think right, and the Court may deal with such documents when produced in such manner as shall appear just.

Defendant may file interrogatories.

IX. It shall be lawful for any defendant in any suit, whether commenced by bill or by claim, but, in suits commenced by bill which the defendant is required to answer, not until after he shall have put in a sufficient answer to the bill, and without filing any cross bill of discovery, to file, in the Sworn Clerk's or other proper office of the Court wherein such suit is pending, interrogatories for the examination of the plaintiff, to which shall be prefixed a concise statement of the subjects on which a discovery is sought, and to deliver a copy of such interrogatories to the plaintiff or his solicitor, and such plaintiff shall be bound to answer such interrogatories, in like manner as if the same had been contained in a bill of discovery filed by the defendant against him on the day when such interrogatories shall have been filed, and as if the defendant to such bill of discovery had on the same day duly appeared; and the practice of the Court with reference to excepting to answers for insufficiency or for scandal shall extend and be applicable to answers put in to such interrogatories; Provided that, in determining the materiality or relevancy of any such answer or of any exception thereto, the Court is to have regard, in suits commenced by bill, to the statement

contained in the original bill, and in the answer which may have been put in thereto by the defendant exhibiting such interrogatories for the examination of the plaintiff, and in suits commenced by claim, to the statements therein and in any affidavits which may have been filed either in support thereof or in opposition thereto; Provided also, that a defendant, if he shall think fit so to do, may, by leave of the Court or of a Judge thereof, exhibit a cross bill of discovery against the plaintiff, instead of filing interrogatories for his examination.

X. It shall be lawful for the Court, upon the application of any defendant in any suit, whether commenced by bill or by claim, but as to suits commenced by bill where the defendant is required to answer the plaintiff's bill not until after he has put in a full and sufficient answer to the bill, unless the Court shall make any order to the contrary, to make an order for the production by the plaintiff in such suit, on oath, of such of the documents in his possession or power relating to the matters in question in the suit as the Court shall think right, and the Court may deal with such documents when produced in such manner as shall appear just. The Court may order plaintiff to produce documents.

XI. Every plea, answer, disclaimer, or examination may be sworn and filed without any further or other formality than is required in the swearing and filing of an affidavit. Plea, answer, &c., how to be sworn.

XII. In suits commenced in any of the said Courts by bill, where notice of motion for a decree or decretal order shall not have been given, or, having been given, where a decree or decretal order shall not have been made thereon, issue shall be joined by filing a replication, in the form or to the effect of the replication now in issue in the said Courts respectively, and where a defendant shall not have been required to answer and shall not have answered the plaintiff's bill, he shall be considered to have traversed the case made by the bill. Issue how to be joined. Effect of defendants not answering.

XIII. Where a defendant to a suit in any of the said Courts commenced by bill shall not have been required to Motion to dismiss bill.

answer the bill, and shall not have answered the same, such defendant shall be at liberty to move to dismiss the bill for want of prosecution, at such times and under such circumstances, and subject to such restrictions, as shall be in that behalf prescribed by any rules or orders to be made by the Judges of the said Courts respectively in that behalf.

Affidavits to be in paragraphs, and in the first person, and regularly numbered.

XIV. Every affidavit to be used in any of the said Courts shall be expressed in the first person, and shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct portion of the subject. Provided, that nothing herein contained shall preclude the Court or any Judge thereof, in any case in which such Court or Judge may think fit so to do, from allowing any affidavit to be used, notwithstanding the same may not be made according to the provisions of this Section.

On consent, cases may be verified by affidavit.

XV. When any suit commenced in any of the said Courts by bill shall be at issue, the Court or a Judge thereof may, upon the application of any of the parties to the suit, and by consent of all the other parties thereto, make an order that the parties shall be at liberty to verify their respective cases by affidavit, and such cases may thereupon be verified accordingly. If any one or more of the parties, who shall not have a sufficient interest in the matters in question to require the evidence to be oral, shall not consent to the making of such order, the Court or a Judge thereof may make the same without the consent of such party or parties.

Evidence may be, by order of Court, on interrogatories or affidavits: but in general to be oral.

XVI. If no such order shall be made, the evidence to be adduced in the cause after issue joined therein shall be taken orally before the Court, and the attendance of witnesses and the production of documents may be enforced in the manner for the time being in use on the Common Law side of the said Courts respectively; Provided, that the Court may order any particular witness or witnesses within the jurisdiction of the Court, or any witness or witnesses out of the jurisdiction

of the Court, to be examined, upon interrogatories or otherwise, under a Commission, and to make such order relating to such examination as the Court may think fit; and provided also, that affidavits of particular witnesses, or affidavits as to particular facts or circumstances, may, by consent of the parties, or by leave of the Court obtained upon notice, be used on the hearing of any cause; such consent, and also the consent required by Section 15 of this Act, may, with the approbation of the Court, be given by or on the part of any married woman, infant, or other persons under disability.

On the hearing, Court may order oral examination of any witness or party.

XVII. Upon the hearing of any suit depending in any of the said Courts, whether commenced by bill or claim, and also upon the hearing of any motion, petition, or other proceeding in any of the said Courts, the Court may, upon the application of any of the parties thereto, or of its own accord, require and enforce the attendance and oral examination before itself of any witness, or of any party to the suit, and may also require and enforce the production of any document or documents, and may direct the costs of the attendance and examination of such witness or party, and of the production of such document or documents, to be paid by such of the parties to the suit, or in such manner as it may think fit.

Subpœna ad testificandum or duces tecum.

XVIII. Any party in any suit or matter may, by order of the Court or of a Judge thereof, issue a writ of subpœna ad testificandum or duces tecum, for the purpose of compelling the attendance of any person before the said Courts, or before a Commissioner or Commissioners at a time and place to be specified in such subpœna, to give evidence and produce documents in support of, or in opposition to any claim, motion, petition, or other proceeding before the Court; and every person served with such subpœna shall be bound to attend in pursuance thereof, and to produce documents, and to give evidence in like manner and subject to the same rules as a witness subpœnaed to attend or produce documents upon the trial of any cause in the said Court.

Cross-examination of persons making affidavits.

XIX. Any person who shall make an affidavit which shall be used or filed by any party to a suit in any of the said Courts, may, by the order of the Court or of a Judge thereof, be subjected to oral cross-examination by or before the Court, or by or before a Commissioner or Commissioners, and may be subpœnaed to attend for that purpose, and to produce any document or documents, at a time and place to be specified in the subpœna, and any person so subpœnaed shall be bound to attend and produce such document or documents in pursuance of such subpœna, in the same manner and subject to the same rules as a witness subpœnaed to attend and give evidence or produce documents on the trial of a cause, and such person may be cross-examined and re-examined orally; Provided, that the Court shall always have a discretionary power of acting upon such evidence as may be before it at the time, and of making such interim orders as may appear necessary to meet the justice of the case.

Costs in such cases.

XX. The costs of the attendance of any person for the purpose of cross-examination as aforesaid, and of the said cross-examination and re-examination, shall be paid by the parties respectively, in like manner as if the person so attending to be cross-examined were the witness of the party cross-examining, and shall be deemed costs in the cause of such parties respectively, unless the Court shall otherwise direct.

Rules as to Claims by residuary legatees next of kin, heirs, executors, &c.

XXI. It shall not be competent to any defendant in any suit in any of the said Courts to take any objection for want of parties to such suit, in any case to which the rules hereinafter set forth extend, and such rules shall be deemed and taken as part of the law and practice of the said Courts respectively, and any law or practice of any of the said Courts inconsistent therewith shall be and is hereby abrogated and annulled.

Rule 1st.—Any residuary legatee or next of kin may, without serving the remaining residuary legatees or next of kin, have a decree for the administration of the personal estate of a deceased person.

Rule 2nd.—Any legatee interested in a legacy charged upon real estate, and any person interested in the proceeds of real estate directed to be sold, may, without serving any other legatee or person interested in the proceeds of the estate, have a decree for the administration of the estate of a deceased person.

Rule 3rd.—Any residuary devisee or heir may, without serving any co-residuary devisee or co-heir, have the like decree.

Rule 4th.—Any one of several *cestuis que trust* under any deed or instrument may, without serving any other of such *cestuis que trust*, have a decree for the execution of the trusts of the deed or instrument.

Rule 5th.—In all cases of suits for the protection of property pending litigation, and in all cases in the nature of waste, one person may sue on behalf of himself and of all persons having the same interest.

Rule 6th.—Any executor, administrator, or trustee may obtain a decree against any one legatee, next of kin, or *cestui que trust* for the administration of the estate or the execution of the trusts.

Rule 7th.—In all the above cases the Court, if it shall see fit, may require any other person or persons to be made a party or parties to the suit, and may, if it shall see fit, give the conduct of the suit to such person as it may deem proper, and may make such order in any particular case as it may deem just for placing the defendant on the record on the same footing in regard to costs as other parties having a common interest with him in the matters in question.

Rule 8th.—In all the above cases the persons, who, according to the present practice of the Court, would be necessary parties to the suit, shall be served with notice of the decree, and after such notice they shall be bound by the proceedings in the same manner as if they had been originally made parties to the suit, and they may, by an order of Court, have liberty to attend the proceedings under the decree; and any party so served may within such time as shall in that behalf be prescribed by any general rule or order to be made by the said

Courts respectively in that behalf, apply to the Court to add to the decree.

Rule 9th.—In all suits concerning real or personal estate which is vested in trustees under a will, settlement, or otherwise, such trustees shall represent the persons beneficially interested under the trust, in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate, and in such cases it shall not be necessary to make the persons beneficially interested under the trusts parties to the suit, but the Court may, upon consideration of the matter on the hearing, if it shall so think fit, order such persons or any of them to be made parties.

Cause not to be set down merely for want of parties.

XXII. The practice of setting down a cause merely on an objection for want of parties to such suit shall be abolished.

Court may order representation of deceased party not represented in the suit.

XXIII. If, in any suit or other proceeding before any of the said Courts, it shall appear to the Court that any deceased person who was interested in the matters in question has no legal personal representative, it shall be lawful for the Court either to proceed in the absence of any person representing the estate of such deceased person, or to appoint some person to represent such estate for all the purposes of the suit or other proceeding, on such notice to such person or persons, if any, as the Court shall think fit, either specially or generally by public advertisements; and the order so made by the Court, and any orders consequent thereon, shall bind the estate of such deceased person, in the same manner in every respect as if there had been a duly constituted legal personal representative of such deceased person, and such legal personal representative had been a party to the suit or proceeding, and had duly appeared and submitted his rights and interests to the protection of the Court.

Creditors, Legatees, &c., may without bill or claim obtain summons on executors, &c., for administration of the personalty of the deceased.

XXIV. It shall be lawful for any person claiming to be a creditor, or a specific pecuniary or residuary legatee, or the next of kin, or some or one of the next of kin of a deceased person, to apply for and obtain as of course, without

bill or claim filed, or any other preliminary proceedings, a summons from a Judge of any of the said Courts requiring the executor or administrator, as the case may be of such deceased person, to attend before him at chambers for the purpose of showing cause why an order for the administration of the personal estate of the deceased should not be granted, and upon proof by affidavit of the due service of such summons, or on the appearance in person, or by his solicitor or counsel, of such executor or administrator, and upon proof by affidavit of such other matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his discretion he shall think fit so to do, to make the usual order for the administration of the estate of the deceased with such variations, if any, as the circumstances of the case may require; and the order so made shall have the force and effect of a decree to the like effect made on the hearing of a cause or claim between the same parties; Provided, that such Judge shall have full discretionary power, to grant or refuse such order, or to give any special directions touching the carriage or execution of such order, and in the case of applications for any such order by two or more different persons or classes of persons, to grant the same to such one or more of the claimants, or of the classes of claimants, as he may think fit; and if the Judge shall think proper, the carriage of the order may subsequently be given to such party interested, and upon such terms as the Judge may direct.

Copy of documents to be first filed in the office of the Registrar.

XXV. A duplicate or copy of such summons shall, previously to the service thereof, be filed in the office of the Registrar or other proper officer of the Court, and no service thereof upon any executor or administrator shall be of any validity unless the copy so served shall be countersigned by such Registrar or other officer as an indication of the filing thereof, and the filing of such summons shall have the same effect with respect to *lis pendens* as the filing of a bill or claim.

Same procedure for administration of Hindoo

XXVI. It shall be lawful for any person claiming to be a creditor of a deceased person, or interested under his will, to

and Mahomedan estates.

apply for and obtain in a summary way, in the manner hereinbefore provided with respect to the personal estate of a deceased person, an order for the administration of the immovable estate of such deceased person, if a Hindoo, or a Mahomedan, or a Parsee, or for the administration of the real estate of any deceased person not being a Hindoo, or a Mahomedan, or a Parsee, where the whole of such real estate is by devise vested in trustees who are by the will empowered to sell such real estate, and authorized to give receipts for the rents and profits thereof, and for the produce of the sale of such real estate; and all the provisions hereinbefore contained with respect to the application for such order, in relation to the personal estate of a deceased person and consequent thereon, shall extend and be applicable to applications for such orders as hereinbefore mentioned with respect to immovable or real estate.

In suits for foreclosure, Court may order sale, without determining priorities, or giving time to redeem.

XXVII. It shall be lawful for the Court, in any suit for the foreclosure of the equity of redemption in any mortgaged property, upon the request of the mortgagee or of any subsequent incumbrancer, or of the mortgagor, or any person claiming under them respectively, to direct a sale of such property, instead of a foreclosure of such equity of redemption, on such terms as the Court may think fit to direct, and, if the Court shall so think fit, without previously determining the priorities of incumbrances, or giving the usual or any time to redeem; Provided that, if such request shall be made by any subsequent incumbrancer, or by the mortgagor, or by any person claiming under them respectively, the Court shall not direct any such sale without the consent of the mortgagee, or the persons claiming under him, unless the party making such request shall deposit in Court a reasonable sum of money, to be fixed by the Court, for the purpose of securing the performance of such terms as the Court may think fit to impose on the party making such request.

Suits not to be dismissed for misjoinder of plaintiff.

XXVIII. No suit in any of the said Courts shall be dismissed by reason only of the misjoinder of persons as plaintiffs therein, but wherever it shall appear to the Court that not-

withstanding the conflict of interest in the co-plaintiffs, or the want of interest in some of the plaintiffs, or the existence of some ground of defence affecting some or one of the plaintiffs, the plaintiffs, or some or one of them, are, or is entitled to relief, the Court shall have power to grant such relief and to modify the decree according to the special circumstances of the case, and for that purpose to direct such amendments, if any, as may be necessary, and at the hearing, before such amendments are made, to treat any one or more of the plaintiffs as if he or they was or were a defendant or defendants in the suit, and the remaining or other plaintiff or plaintiffs was or were the only plaintiff or plaintiffs on the record; and where there is a misjoinder of plaintiffs, and the plaintiff having an interest shall have died leaving a plaintiff on the record without an interest, the Court may, at the hearing of the cause, order the cause to stand revived, as may appear just and proceed to a decision of the cause if it shall see fit, and to give such directions as to costs or otherwise as may appear just and expedient.

XXIX. No suit in any of the said Courts shall be open to objection on the ground that a merely declaratory decree or order is sought thereby, and it shall be lawful for the Court to make binding declarations of right without granting consequential relief.

Court may make binding declarations of right without giving relief.

XXX. It shall be lawful for the Court to adjudicate on questions arising between parties, notwithstanding that they may be some only of the parties interested in the property respecting which the question may have arisen, or that the property in question is comprised with other property in the same settlement, will, or other instrument, without making the other parties interested in the property respecting which the question may have arisen, or interested under the same settlement, will, or other instrument, parties to the suit, and without requiring the whole trusts and purposes of the settlement, will, or other instrument to be executed under the direction of the Court, and without taking the accounts of the trustees or other accounting parties, or ascertaining the particulars or

Court may adjudicate on matters concerning others besides the parties to the suit.

amount of the property touching which the question or questions may have arisen; Provided always, that if the Court shall be of opinion that the application is fraudulent or collusive, or for some other reason ought not to be entertained, it shall have power to refuse to make the order prayed.

Suits how to be revived.

XXXI. Upon any suit in any of the said Courts becoming abated, by death, marriage, or otherwise, or defective by reason of some change or transmissions of interest or liability, it shall not be necessary to exhibit any bill of revivor or supplemental bill in order to obtain the usual order to revive such suit or the usual or necessary decree or order to carry on the proceedings; but an order to the effect of the usual order to revive, or of the usual supplemental decree, may be obtained as of course, upon a suggestion of the abatement of such suit or of the same having becoming defective, and of the change or transmission of interest or liability; and an order so obtained when served upon the party or parties, who, according to the present practice of the Court, would be defendant or defendants to the Bill of Revivor or Supplemental Bill, shall, from the time of such service, be binding on such party or parties in the same manner in every respect as if such order had been regularly obtained according to the existing practice of the Court and such parry or parties shall thenceforth become a party or parties to the suit, and shall be bound to enter an appearance thereto in the office of the Registrar or other officer of the Court within such time and in like manner as if he or they had been duly served with process to appear to a bill of Revivor or Supplemental Bill filed against him or them; Provided, that it shall be open to the party or parties so served, within such time after service as shall be in that behalf prescribed by any rule or order to be made by the Judges of the said Courts respectively, to apply to the Court by motion or petition to discharge such order on any ground which would have been open to him or them on a Bill of Revivor or Supplemental Bill, stating the previous proceedings in the suit and the alleged change or transmission of interest or liability, and praying the usual relief consequent thereon; provided also,

that, if any party so served shall be under any disability other than coverture, such order shall be of no force or effect as against such party until a guardian or guardians *ad litem* shall have been duly appointed for such party, and such time shall have elapsed thereafter as shall be prescribed by any rule or order to be made by the Judges of the said Courts respectively in that behalf.

Supplemental Bill dispensed with. New matter arising after filing of bill, how to be brought before the Court.

XXXII. It shall not be necessary to exhibit any Supplemental Bill in any of the said Courts for the purpose only of stating or putting in issue facts or circumstances which may have occurred after the institution of any suit; but such facts or circumstances may be introduced by way of amendment into the original bill of complaint in the suit, if the cause is otherwise in such a state as to allow of an amendment being made in the Bill, and if not the plaintiff shall be at liberty to state such facts or circumstances on the record, in such manner and subject to such rules and regulations with respect to the proof thereof, and the affording to the defendant leave and opportunity of answering and meeting the same, as shall in that behalf be prescribed by any rule or order to be made by the Judges of the said Courts respectively.

The Court may direct how the accounts shall be taken.

XXXIII. It shall be lawful for the Court in any case where any account is required to be taken to give such special directions, if any, as it may think fit, with respect to the mode in which the account should be taken or vouched, and such special directions may be given either by the decree or order directing such account, or by any subsequent order or orders, upon its appearing to the Court that the circumstances of the case are such as to require such special directions, and particularly it shall be lawful for the Court, in cases where it shall think fit so to do, to direct that in taking the account, the books of account in which the accounts required to be taken have been kept, or any of them, shall be taken as *primâ facie* evidence of the truth of the matters therein contained, with liberty to the parties interested to take such objections thereto as they may be advised.

The Court may order sale of the real estate, if necessary.

XXXIV. If after a suit shall have been instituted in any of the said Courts in relation to any real estate, it shall appear to the Court that it will be necessary or expedient that the said real estate, or any part thereof, should be sold for the purpose of such suit, it shall be lawful for the said Court to direct the same to be sold at any time after the institution thereof, and such sale shall be as valid to all intents and purposes as if directed to be made by a decree or decretal order on the hearing of such cause; and any party to the suit in possession of such estate, or in receipt of the rents and profits thereof, shall be compelled to deliver up such possession or receipt to the purchaser or such other person as the Court shall direct.

The Court may allow parties interested, the free enjoyment of any property in excess of what is necessary for the purposes of the suit.

XXXV. Where any real or immovable or any personal property shall form the subject of any proceedings in any of the said Courts, and the Court shall be satisfied that the same will be more than sufficient to answer all the claims thereon, which ought to be provided for in such suit, it shall be lawful for the said Court, at any time after the commencement of such proceedings, to allow to the parties interested therein, or any one or more of them, the whole or part of the annual income of such real or immovable property, or a part of such personal property, or a part or the whole of the income thereof, up to such time as the said Court shall direct, and for that purpose to make such orders as may appear to the said Court necessary or expedient, and from time to time to alter the same.

On applications for injunction or receiver, affidavits may be read, in opposition to the answer.

XXXVI. Upon application by motion or petition to any of the said Courts in any suit depending therein for an Injunction or for a Receiver, or to dissolve an Injunction or discharge an order appointing a Receiver, the answer of the defendant shall, for the purpose of evidence on such motion or petition, be regarded merely as an affidavit of the defendant, and affidavits may be received and read in opposition thereto.

Power of the Court rectify the proceedings.

XXXVII. In case any of the directions herein contained with respect to the practice and course of proceedings in any of the said Courts shall, by mistake of parties, fail to be follow-

ed in any suit or proceeding in any of the said Courts, it shall be lawful for the Court, if it shall think fit, upon payment of such costs as such Court shall direct, to make such order giving effect to, and rectifying such proceedings as may be justified by the merits of the case.

Court may determine title or right of parties without reference to the Common Law side.

XXXVIII. In cases where, according to the present practice of the said Courts, they decline to grant equitable relief until the legal title or right of the party or parties seeking such relief shall have been established in a proceeding at law, any of the said Courts, sitting as a Court of Equity, may itself determine such title or right without requiring the parties to proceed at law to establish the same.

The Court may decide without reference, or may refer to a Judge instead of the Master.

XXXIX. It shall be lawful for any of the said Courts, in any case in which it shall think fit so to do, to refer to a Judge of the Court any matters now usually referred to the Master; and also for any of the said Courts to hear and investigate either in Court or in chambers any such matters, and to decide any case without a reference either to a Judge or to a Master; and all the powers, authority, and jurisdiction given to, or vested in the Masters of the said Courts respectively by any Act, law, or practice shall be deemed to have been given to or vested in any of the Judges of the said Courts respectively as well as to or in the said Masters.

Master's Report when to be deemed confirmed.

XL. If exceptions to the report of a Judge or Master of any of the said Courts be not filed within fourteen days after the date of the report, it shall not be necessary to obtain any order of the Court for the confirmation of such report; but such report shall be deemed to be confirmed from and after the expiration of such fourteen days.

After allowance of exceptions, Court or Judge may decide without further reference.

XLI. If any exception to the report or certificate of a Judge or Master be allowed by the Court, it shall not be necessary to refer the case back to the Judge or Master; but the Court may, if it think fit so to do, hear and investigate in Court or in chambers any matter which it may be necessary to decide in consequence of the allowance of such exception, and

to decide the case without any further reference to a Judge or to the Master.

What matters may be decided on application to a Judge in Chambers.

XLII. Any of the following matters may be disposed of by a Judge of any of the said Courts respectively while sitting in chambers, *videlicet*, applications for time to plead, answer or demur, for leave to amend bills or claims for the production of documents, also applications relating to the conduct of suits or matters, and as to the guardianship and maintenance of infants, matters connected with the management of property, and such other matters as any Judge shall from time to time see fit, or as the Court shall by any general rule or order direct. Provided, that any order of a Judge sitting in chambers may be set aside or altered by the Court, upon such terms as the Court shall think fit.

As to what matters, Court may make General Rules.

XLIII. The Judges of the said Courts respectively may, from time to time, make general rules and orders for carrying the purposes of this Act into effect, for regulating the times and form and mode of proceeding in Court and in chambers and in the offices of the Masters of the said Courts respectively, for abolishing common injunctions in any case where the practice exists, and generally for regulating the practice of the said Court in respect of the matters to which this Act relates: for fixing and regulating the fees and allowances to all officers of the said Court and solicitors thereof, and, so far as may be found expedient, for altering the course of proceeding hereinbefore prescribed in respect to the matters to which this Act relates or any of them; and such rules and orders may, from time to time, be rescinded or altered by the like authority, and all such rules and orders shall be subject to be confirmed or disallowed by the Governor-General of India in Council, and to be altered or rescinded by Her Majesty, her heirs or successors, in Council, in the same manner as the like rules and orders would have been, if made by the said Courts respectively under their general or statutory power of making rules.

Interpretation.

XLIV. This Act shall extend to suits and proceedings on the Equity side only of the said Supreme Courts; and in

the construction of this Act the words "Bill of Complaint" shall mean and include "Information" and the word "Affidavit" shall mean and include "Affirmation" in cases where affirmation is allowed.

XLV. This Act shall commence and take effect from and after the 1st day of May, 1854. Provided, that it shall be lawful for the Judges of the said Courts respectively to make and issue any such rules or orders as aforesaid at any time after the passing of this Act, but the same shall not take effect before the time appointed for the commencement of this Act. **Act to take effect from 1st May, 1854.**

*ACT No. VII. OF 1854.

GENERAL.

1. *On the requisition of any British or Foreign Authority to deliver up to justice any person accused of any heinous offence, Government may order an inquiry.*

2. *Order of enquiry by whom to be signed, to whom to be directed, and what to contain.*

3. *Production of order to give powers to any Magistrate.*

4. *Magistrate empowered to issue warrant for the apprehension of the person charged.*

5. *Warrant, after endorsement by Magistrate, may be executed in any part of India.*

6. *Magistrate issuing, but not Magistrate endorsing, a warrant responsible for illegality in the issue thereof.*

7. *Procedure on apprehension, if offence was committed in British India.*

8. *Procedure, if offence was committed out of British India.*

9. *Procedure, if the person apprehended be carried before a Magistrate other than the one who issued the warrant, or if the warrant was issued under an order of Government and executed in another Presidency.*

10. *Procedure in the case of an escaped convict.*

11. *Magistrate to report to Government, when an offence committed in a Foreign Territory ought to be investigated in some other Zillah nearer thereto.*

12. *Government may authorize depositions to be received as evidence of the guilt of the party accused.*

* See Act XVII. of 1862 whereby so much of this Act, as relates to warrants issued otherwise than under the provisions of this Act, is repealed.

An Act for the apprehension, within the territories under the Government of the East India Company, of persons charged with the commission of Heinous Offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the Execution of Warrants in places out of the jurisdiction of the authorities issuing them.

Whereas it is expedient to provide for apprehending and delivering up to justice persons, whether subjects of the British or of any Foreign Government, who shall take refuge or be found in any part of the territories under the Government of the East India Company, and shall be charged with having been guilty of heinous offences in any part of the dominions of Her Majesty, or in the territories of any Foreign Prince or State; to facilitate the execution in any part of the territories under the Government of the East India Company of warrants issued by competent officers in any other parts thereof; and to enable the Government of any Presidency or place within such last-mentioned territories to carry out Treaties entered into by or on behalf of Her Majesty or the East India Company with any Foreign Prince or State; It is enacted as follows :—

I. If requisition be made by or by the authority of the person or persons for the time being administering the executive Government of any part of the dominions of Her Majesty, to the Government of any part of the British territories in India, to deliver up to justice any person accused of having been guilty of any heinous offence in any part of Her Majesty's dominions subject to the Government making the requisition, and who shall be, or shall be supposed to be, in any part of the British territories in India subject to the Government to which the requisition shall be made, or if a similar requisition be made by any Foreign Prince or State, or by any duly authorized Minister or Officer thereof, in respect of a person accused of having been guilty of any heinous offence in any part of the territories of such Foreign Prince or State, it shall be lawful for the Government to which the requisition shall be made, if it shall see fit so to do, to issue an order in writing for inquiry into the truth of the charge; and such order shall be sufficient proof of the requisition having been duly made, and a sufficient justification for all acts done in pursuance thereof.

On requisition by any British or Foreign Authority for the delivery up to justice of any person accused of any heinous offence, Government may order an inquiry.

II. The order shall be signed by one of the Secretaries to the Government; it shall be directed to all Magistrates and Justices of the Peace of the Presidency or place under the control of such Government; it shall signify that the requisition has been made, shall state the nature of the offence charged, the name, or other designation, if the name be not known, of the person accused, and any other description of him that may be thought necessary; and it shall require the Magistrates and Justices to whom it shall be directed or any of them to inquire into the truth of the charge, and to proceed in pursuance of this Act.

Order of inquiry by whom to be signed, to whom to be directed, and what to contain.

III. Upon the production of the order to any such Magistrate or Justice of the Peace, he shall have the same powers as if the offence charged had been committed within his jurisdiction.

Production of order, to give powers to any Magistrate.

Magistrate, &c., empowered to issue warrant for the apprehension of the person charged.

IV. If the evidence adduced shall, in the judgment of the Magistrate or Justice of the Peace, be sufficient to justify the apprehension of the person accused for the offence, the Magistrate or Justice of the Peace shall issue his warrant for the apprehension of such person. The warrant shall be issued in the same manner as a warrant for an offence committed within the jurisdiction of the Magistrate or Justice of the Peace issuing it, and shall contain a memorandum stating that the warrant is issued under this Act, and, if the warrant be issued under an order of Government, shall also state the fact and specify the Government. The memorandum may be to the following effect:—

This warrant is issued under Act No. VII. of 1854, and is issued under an order of the Government of

Warrant, after endorsement by Magistrate, may be executed in any part of India.

V. The warrant of any Magistrate or Justice of the Peace having jurisdiction in any part of the territories under the Government of the East India Company for the arrest of any person charged with having committed any offence, whether such warrant be issued under the provisions of this Act or not, may be executed within the jurisdiction of any other Magistrate or Justice of the Peace having jurisdiction in any part of the said territories, whether in the same Presidency or not, upon having a written authority under the hand and seal of the Magistrate or Justice of the Peace, within whose jurisdiction it may be executed, previously endorsed thereon, and which endorsement may be to the following effect:—

To the Nazir [or other Officer as the case may be] of the Zillah of ———.

"This warrant may be executed in the zillah or district of ———" (describing the zillah or district of the indorsing Magistrate or Justice of the Peace) by any of the Officers to whom the same is directed or by ——— [describing by his name of office the Officer to whom a similar warrant, issued by the indorsing Magistrate or Justice of the Peace, would be directed.]

The Magistrate issuing, but not the Magistrate endorsing, a warrant to be respon-

VI. The Magistrate indorsing a warrant in pursuance of the provisions of Section 5 of this Act shall not be liable to any action or other proceeding in consequence of any illegality

in the issuing of the warrant; but any Magistrate illegally or improperly issuing the same shall be liable for an arrest in pursuance of the indorsement, in the same manner and to the same extent only as if the warrant had been executed within his own jurisdiction.

sible for illegality in the issue thereof.

Procedure on apprehension, if offence was committed in British India.

VII. Upon the apprehension of the supposed offender, if the offence be alleged to have been committed in any part of the territories under the Government of the East India Company, he shall be carried before the Magistrate within whose jurisdiction the offence shall be alleged to have been committed, and shall be by him dealt with according to law, unless by the warrant the Officer be authorized to take bail or security, and such bail or security be given for the appearance of the person accused before the Magistrate or Justice of the Peace of the zillah or district in which the offence shall be alleged to have been committed. If the offence be charged to have been committed in any place not within the territories under the Government of the East India Company, the person arrested shall be forthwith carried before a Magistrate or Justice of the Peace of the zillah or district in which he shall be arrested. The Magistrate or Justice of the Peace, before whom the supposed offender shall be carried in pursuance of the last mentioned directions, may proceed in the same manner as in cases in which he has power to commit for trial, or to hold to bail for an offence committed within his own jurisdiction. If, after making as full an inquiry into all the circumstances of the case as the evidence obtainable by the Magistrate or Justice of the Peace within the territories under the Government of the East India Company will enable him to make, the evidence adduced shall be sufficient in his judgment to warrant a committal, he shall commit the accused to some place of confinement within his zillah or district, which in the judgment of the Magistrate or Justice of the Peace shall be fit for receiving the prisoner, or if there be no such place, to the gaol of the Presidency, there to remain until he shall be delivered up or discharged by orders of Government. If after making such inquiry the circumstances shall not, in the judgment of the

Magistrate or Justice of the Peace, be sufficient to warrant either the committal or the holding to bail of the prisoner, he shall be discharged.

Procedure, if the offence was committed out of British India.

VIII. If the offence charged be one committed out of the British territories in India, which, if committed within the jurisdiction of the Magistrate, would be bailable, the Magistrate or Justice of the Peace may proceed accordingly, and may discharge the prisoner upon his giving the necessary bail. The recognizance or bail-bond in such case shall be for the appearance of the accused before the Magistrate or Justice of the Peace for the time being of the zillah or district in which the recognizance shall be taken, on a certain day to be named therein, allowing reasonable time for receiving the orders of Government, and on such subsequent days as the Magistrate or Justice of the Peace for the time being shall, from time to time, appoint.

Procedure, if the person apprehended be carried before a Magistrate other than the one who issued the warrant, or if the warrant was issued under an order of Government and executed in another Presidency.

IX. If any person shall in pursuance of this Act be carried before a Magistrate or Justice of the Peace other than the one who issued the warrant, or a Magistrate or Justice of the Peace for the time being of the same zillah or district, the depositions and documents upon which the warrant was issued, or copies thereof, to be certified under the hand and seal of the Magistrate or Justice of the Peace of the zillah or district in which the warrant was issued, shall, upon the requisition of the Magistrate or Justice of the Peace before whom such person shall be carried, be forwarded to such Magistrate or Justice of the Peace; and if the warrant be issued under an order of Government, and executed in a Presidency or place not under the Government issuing the order, notice of the arrest shall be forthwith communicated to such Government, who shall forward the requisition and any documents relating thereto in their possession to the Government having jurisdiction over the place of arrest, and such last-mentioned Government shall have the same powers as the Government who made the order.

Procedure in the case of an escaped convict.

X. If the person accused of the offence mentioned in any such order of Government be proved to have been convicted

and sentenced for the offence charged by a Court of Justice in any part of Her Majesty's dominions in which the offence is alleged to have been committed, and to have escaped before such sentence was carried into execution; the Magistrate or Justice of the Peace, upon proof of such conviction and sentence, may issue a warrant for the apprehension of the person accused, and he may be arrested and committed in manner aforesaid without further proof, unless such person shall prove that the conviction or sentence has been reversed or annulled.

The Magistrate to report to the Government when an offence committed in a Foreign Territory requires to be investigated in a Zillah nearer thereto.

XI. If it appear to the Magistrate or Justice of the Peace, before whom any prisoner shall be carried under this Act for an offence alleged to have been committed in any territories not under the Government of the East India Company, that particular circumstances exist which render it advisable that the case should be investigated by the Magistrate or Justice of the Peace of a zillah or district nearer to such territories, he shall forthwith report the case and the particular circumstances to the Government, who shall either order such Magistrate or Justice of the Peace to proceed with the case himself, or to send the case to be investigated by the Magistrate or Justice of the Peace of any other district to be named by the Government. In the latter case the prisoner shall be sent, or if the offence be bailable, shall give bail to appear before such last-mentioned Magistrate or Justice of the Peace, who shall have power to deal with the case as if he had issued the warrant under which the prisoner shall be arrested, and all the depositions and documents shall be forwarded to such Magistrate or Justice of the Peace. The order of Government shall be a sufficient justification for all persons acting in pursuance thereof.

Government may authorise depositions to be received as evidence of the guilt of the party accused.

XII. The Government by whom any order under Section 1 of this Act shall be made, may, if they think fit so to do, direct that copies of any depositions or exhibits which shall have been laid before them and shall have been certified to their satisfaction to be true copies of depositions or exhibits made or produced before a competent judicial Officer of the

territories in which the offence is alleged to have been committed, may be received in evidence of the criminality of the person accused, and such direction shall be sufficient authority for receiving the same in evidence.

The Magistrate to report to the Government the committal of the accused.

XIII. The Magistrate or Justice of the Peace, after committing the accused or holding him to bail as aforesaid, for any offence committed out of the territories under the Government of the East India Company, shall forthwith report the result of his proceedings to the Government to which he is subordinate, together with any remarks which he may deem necessary or proper to make upon the whole case. He shall also forward with such report a copy of all depositions and documents used before him.

On receipt of the report, the Government to give a written order.

XIV. Upon receipt of the report, and after examining the case, the Government may, by order in writing to be signed by the Secretary to the Government, order the accused either to be discharged or to be held to bail to appear in such Court or place and at such time or times as the Government may think fit, or to be delivered up to some person authorized by the Government or Officer making the requisition to receive and take charge of him. In cases falling within the provisions of Act I. of 1849, the Government may order the person accused to be tried under that Act.

Procedure, if the accused be ordered to be delivered up.

XV. If ordered to be delivered up, the person to whom the accused shall be ordered to be delivered shall not have the custody or charge of him so long as he shall remain in any part of the territories under the Government of the East India Company, but the accused shall be conveyed in custody through such last-mentioned territories towards the territories in which the offence shall be alleged to have been committed, in the same manner as a prisoner sent from the station of one district to that of another, and as soon as he shall have been conveyed to the frontiers of the territories under the Government of the East India Company, he shall be delivered over to some person authorized by the Government making the requisition to

receive and take charge of him. If no such person shall attend to receive the prisoner, the latter shall be taken before the nearest Magistrate, who may order him to be discharged out of custody, and may provide him with such means of returning to the place where he was apprehended, or so near thereto as he may desire, as such Magistrate may think necessary and suitable to his station in life.

Magistrates how to act in carrying out this Act, and how in taking bail.

XVI. Any Magistrate or Justice of the Peace acting under the provisions of this Act shall issue all necessary warrants, orders, and directions for carrying this Act, and also any order made under it by the Government, into effect, under his signature and seal, or seal of office, if he shall have a seal of office, and all Magistrates and Officers acting in pursuance of this Act shall have and exercise the same powers as if the offence charged had been committed within the zillah or district subject to their jurisdiction, and, in cases where the accused may have been held to bail, the Magistrate may order the bail-bond to be renewed in such form as may be necessary to carry any order of Government into effect, and, if such bail-bond shall not be renewed accordingly, may commit the person accused to prison for such period as may be necessary to carry such order into effect.

Escape of persons arrested.

XVII. In case any person arrested under this Act shall escape out of custody, he may be retaken in any part of the territories under the Government of the East India Company, in the same manner as if he had escaped from custody under process for an offence committed in that part of such territories in which he shall be found.

Magistrates to arrest persons, against whom a warrant has been issued in any part of the British Empire, and to bail or commit them, but not to deliver them up without orders of Government.

XVIII. If a warrant be issued in any part of Her Majesty's dominions not under the Government of the East India Company, for the arrest of any person for any heinous offence alleged to have been committed therein, or for the arrest of any person for any heinous offence of which he may have been convicted by a Court of competent jurisdiction in any such part of Her Majesty's dominions, any Magistrate or Justice

of the Peace within the territories under the Government of the East India Company may, upon the production of such warrant and proof of the signature of the Officer signing it and of his authority to issue the same, and without any further proof and without any order of Government, issue his warrant for the apprehension of the person accused, and after his apprehension may proceed to commit or hold him to bail in manner aforesaid, and to take such other proceedings as aforesaid as the case may require, but the person accused shall not be delivered over as aforesaid without an order of Government. The Government in such case shall have the same powers as if the proceedings had been taken in pursuance of an order of Government issued under this Act.

Magistrate, in cases of heinous offences, to arrest without any order of Government.

XIX. In cases in which the immediate apprehension within the British territories in India of any person accused of having committed any heinous offence mentioned in Section 21, of this Act out of such territories shall, in the judgment of a Magistrate or Justice of the Peace having jurisdiction in any part of such territories in which the person accused shall be found, be necessary for the ends of justice, the person accused may, without an order of Government, be apprehended or proceeded against in the same manner as for an offence charged to have been committed in the place where the person accused shall be found, and after his apprehension he may be committed or held to bail in manner aforesaid, and such other proceedings as aforesaid may be taken as the case may require, but the person accused shall not be delivered up without an order of Government. The Government in such case shall have the same powers as if the proceedings had been taken in pursuance of an order of Government issued under this Act.

Release of persons imprisoned under this Act, if not proceeded against within two months after committal.

XX. If any person imprisoned under this Act shall not either be delivered up or discharged or brought to trial within two calendar months after his committal, it shall be lawful for the principal Court of original jurisdiction in criminal cases in the district in which he shall be imprisoned, upon

application by or on behalf of the prisoner, to order him to be discharged out of custody, either upon giving such bail as the Court may order, or without bail, unless sufficient cause shall be shown to the Court why such discharge ought not to be ordered. Provided, that no such order shall be made until after notice of the application or of the intention to make the same shall have been given to Government or to the Secretary or one of the Secretaries thereof.

What shall be held a "heinous offence."

XXI. The words "heinous offence" in this Act shall be deemed to include treason against Her Majesty committed in any part of Her Majesty's dominions, murder, attempting to murder, rape, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle-stealing, breaking and entering a dwelling-house and stealing therein, arson, setting fire to a village, house or town, forgery or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subornation of perjury, embezzlement whether by public Officers or other persons, and being an accessory to any of the abovementioned offences.

Further interpretation.

XXII. The said words "heinous offence" in this Act shall also be deemed to include any offence for which by any Treaty in force between Her Majesty or the East India Company and any Foreign Prince or State, Her Majesty or the East India Company shall, at the time of making any requisition as aforesaid, be bound to deliver up offenders to the Foreign Prince or State making the same, and any other offence which in the judgment of the Government to whom the requisition shall be made, shall be serious or aggravated, and for which the person accused cannot be tried within the territories under the Government of the East India Company under the provisions of Act No. I. 1849.

Government to adopt proceedings to carry out Treaties for the surrender of offenders in cases

XXIII. If by any such Treaty Her Majesty or the East India Company shall be bound to deliver up to any Foreign Prince or State any person liable to be proceeded against by

not hereby provided for.

the laws of such Foreign Prince or State, in any case not expressly provided for by this Act, or in any manner other than that provided by this Act, it shall be lawful for the Government of any part of the territories under the Government of the East India Company, in which such person may be found, upon requisition made by or on the part of such Foreign Prince or State, to adopt such proceedings for carrying such Treaty into effect, and for the surrender of such person, and for making any preliminary inquiry into the charge contained in the requisition as it shall think fit, and any such order of the Government in writing, under the hand of one of the Secretaries of such Government, shall be a sufficient authority and justification for all acts to be done in execution thereof.

Reg. XI. 1827 repealed in part.

XXIV. Sections 5, 6, and 7, Regulation XI. of 1827, of the Bombay Code, are repealed.

Interpretation.

XXV. Unless where a contrary intention appears from the context, the word "Government," as used in this Act, shall be deemed to mean and include the Governor-General of India in Council, or the person or persons administering the Executive Government in any Presidency or place within the British territories in India. The words "British territories in India" shall include any part of the territories under the Government of the East India Company. The word "Magistrate," as used in this Act, is intended to include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, and also a Justice of the Peace. Words in the singular number are intended to include the plural, and words in the masculine gender to include the feminine.

ACT No. VIII. OF 1854.

Repealed by Act XXVII. 1860.

ACT No. IX. OF 1854.

GENERAL.

No order to be reversed for error not productive of injury to either party.

An Act relating to Appeals in the Civil Courts of the East India Company.

Whereas every case in appeal ought to be determined upon the merits without regard to technical errors or defects; It is enacted as follows:

No order or decision of any of the Civil Courts of the East India Company shall be reversed, altered, or remanded on account of any error, defect, or irregularity not productive of injury to either party.

ACT No. X. OF 1854.

GENERAL.

Local Government may empower Assistants or Deputy Magistrates to receive and try cases without reference by Magistrate.

An Act for regulating the powers of Assistants to Magistrates and of Deputy Magistrates appointed under Act XV. of 1843.

Whereas Assistants to Magistrates, and also Deputy Magistrates appointed under Act XV. of 1843 to exercise the powers of a Covenanted Assistant under Regulations XIII. of 1797, IX. of 1807, or III. of 1821, are not competent to decide any cases but such as are referred to them by the Magistrate; and whereas this restriction is attended with practical inconvenience to complainants in petty criminal cases; It is enacted as follows:

I. It shall be competent to the local government of each of the divisions of the Bengal Presidency, to empower Assis-

* Repealed by Act X. 1861, as regards suits or proceedings under Act VIII 1859.

tants to Magistrates, and also Deputy Magistrates appointed as aforesaid, to receive and try, without reference by the Magistrate, all or any of such charges as they are now competent to try upon reference by the Magistrate, *subject to appeal from their decisions, according to the provisions of Section 2, Act XXXI. of* 1841.*

II. *Repealed by Act XVII.* 1862.

III. *Repealed as above.*

ACT No. XI. OF 1854.

Repealed by Act XIII. 1862.

ACT No. XII. OF 1854.

Repealed by Act XVII. 1862.

THE STRAITS.

ACT No. XIII. OF 1854.

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1. *Repeal of Act VI. of* 1852.
2. *"Horsburgh Light House" to remain the property of the East India Company.*
3. *That and the floating lights to be called "The Straits' Lights."*
4. *Ships of* 50 *tons and upwards to pay tolls as specified.*
5. *Ships to pay tolls on return voyages.*
6. *What ships exempted from paying tolls.*
7. *Straits' traders to pay only half toll.*
8. *Management of the Straits' Lights vested in the Governor.*
9. *Governor may appoint Collector of tolls.*
10. *Tolls collected, how to be applied.*
11. *Tolls to be paid before Port Clearance is granted.*
12. *Tolls to be paid to proper Officer who shall give a receipt for the same.*
13. *Port Clearance not to be granted till tolls are paid, and ship and goods may be distrained and sold for tolls.*
14. *Collector may sue for recovery of tolls.*

* The words in Italics are repealed by Act XVII. 1862.

An Act to repeal Act No. VI. of 1852, and to make provision for defraying the cost of the Light-House on Pedra Branca, and for maintaining the same, and also a Floating Light established in the Straits of Malacca, to the West of Singapore; and for the establishment and maintenance of such further Lights in or near to the said Straits as may be deemed expedient.

Whereas it was deemed desirable, for the safety and guidance of ships navigating the China Seas, to build a Light-House on the Island Rock called Pedra Branca situate at the Eastern entrance of the Straits of Singapore; and whereas certain sums of money were subscribed by private individuals for that purpose, but the same were insufficient to defray the expense of building such Light-House; and whereas the East India Company agreed to build such Light-House, and to advance certain sums of money to complete the same on condition that the said sums of money should be repaid to them by the levy of certain tolls; and whereas, since the passing of Act No. VI. 1852, a Floating Light has been established by the East India Company in the Straits of Malacca to the West of Singapore, at a place called the two-and-a-half-fathom bank, and it may hereafter be deemed expedient to establish and maintain other lights or beacons in or near to the said Straits, for the safety and guidance of ships navigating the same; and whereas many ships, which derive the benefit of the Horsburgh Light and the said Floating Light established aforesaid, do not contribute to the expense thereof, and it is just and reasonable that they should be liable so to do; It is enacted as follows :—

Repeal of Act VI. of 1852.

I. Act No. VI. 1852 is hereby repealed, except so far as it relates to any Act already done under the same, or to any toll now due under the provisions thereof, or to any proceedings already adopted, or hereafter to be adopted for the recovery of any such toll.

"Horsburgh Light House" to remain the property of the East India Company.

II. The Light-House on Pedra Branca aforesaid shall continue to be called "The Horsburgh Light-House," and the said Light House, and the appurtenances thereunto belonging or occupied for the purposes thereof, and all the fixtures, apparatus and furniture belonging thereto, shall remain the property of, and be absolutely vested in, the East India Company and their successors.

That and the floating lights to be called "The Straits' Lights."

III. The light maintained at the Horsburgh Light-House, and the said Floating Light established as aforesaid, and such other light or lights as shall be established by the East India Company in lieu of such Floating Light, or in addition thereto, in or near to the Straits of Malacca or Singapore, shall be called "The Straits' Lights."

Ships of 50 tons and upwards to pay tolls as specified.

IV. If after the passing of this Act, any Ship, of the burden of fifty tons or upwards, shall depart from or enter any port, harbour, or roadstead in the possession or under the Government of the East India Company, upon, or during, or at the termination of any voyage, in the ordinary course of which she would pass any of the said lights, a toll shall be paid in respect of such Ship, except in the cases hereinafter mentioned, at the rates following, that is to say—

1. If the voyage be one in the ordinary course whereof such Ship would pass the whole of the said lights, at the rate of one anna for every ton of her burden.

2. If the voyage be one in the ordinary course of which she would pass any one or more of the said lights, but not all of them, at the rate of half an anna for every ton of her burden. Provided, that such toll shall not be payable at any such port or place, if such toll shall have been paid at the same or any other port or place under the Government of the East India Company in respect of the same voyage, and a proper voucher for such payment shall be produced, or other satisfactory proof of such payment given. Provided also, that no toll shall be payable under this Act on account of any Ship in respect of any voyage for which toll hath been already paid or become payable under the said Act No. VI. 1852, or during the period covered by such payment.

V. The return of a Ship from any port or place shall be deemed a distinct voyage within the meaning of this Act, notwithstanding toll shall have been paid in respect of her voyage to such port or place, and notwithstanding the terms of any Charter-party.

Ships to pay tolls on return voyages.

VI. All Ships of War, belonging to Her Majesty or to any Foreign Government or State, and all Ships belonging to the East India Company, shall be exempt from the payment of such toll.

What ships to be exempt from toll.

VII. And whereas there are certain vessels of small burden, called Straits' Traders, which are engaged in the trade carried on between different ports and places within or near to the said Straits, and it is just and reasonable that such vessels should not be charged full toll in respect of any voyage in the course of such trade; it is therefore enacted that, in respect of any voyage which shall be made by any such vessel in the course of such trade, toll shall be paid at only one-half of the rate at which it shall be payable in other cases under this Act.

Straits' traders to pay only half toll.

VIII. The management and control of the said "Horsburgh Light-House," and of the said Straits' Lights, are hereby vested in the Governor of the Straits' Settlements.

Management of the Straits' Lights vested in the Governor.

IX. The said Governor may appoint any person he may think fit to be a Collector of the tolls payable under this Act, at any port, harbour, or place under his Government.

Appointment of Collector of tolls.

X. The Funds raised by the tolls payable under this Act shall be applicable in the first place to defray the necessary expenses of maintaining and keeping up the said Light-House and the said Straits' Lights, and the establishment and maintenance of such other lights as aforesaid, as the Governor-General of India in Council may think fit to establish and maintain, and all necessary expenses incidental thereto, and the surplus thereof shall, from time to time, be applied in liquidation of the moneys advanced by the East India Company

Tolls how to be applied.

towards the erection and completion of the said Light-House and the apparatus and furniture thereof.

Tolls to be paid before Port-Clearance is granted.

XI. The toll to be levied under this Act shall become due and be payable in respect of any ship clearing out or departing from any port, harbour, or roadstead, in the possession or under the Government of the East India Company, upon any such voyage as aforesaid, previously to the granting of any Port-Clearance for such ship, or in the event of her not requiring a Port-Clearance, on her preparing to leave such port, harbour, or roadstead on such voyage; and in respect of any ship entering any such port, harbour, or roadstead as aforesaid, upon or during, or at the termination of any such voyage from any port or place not under the Government of the East India Company, the toll shall be payable immediately upon her entering such port, harbour, or roadstead.

Tolls to be paid to proper Officer, who shall give a receipt for the same.

XII. The Collector or other chief Officer of Customs at any port, harbour, or place in the possession or under the Government of the East India Company, or any other Officer, whom the Government to which such port, harbour, or place is subordinate, may appoint to receive the tolls above-mentioned, shall collect the same by himself, or by any officer in his establishment whom he shall appoint. The Officer to whom any such toll shall be paid shall grant to the person paying the same a proper voucher in writing, under his hand, describing the name of his office, and the port or place at which such payment shall be made, the name, tonnage, and other proper description of the ship, and the voyage in respect of which such toll shall be paid.

Port-Clearance not to be granted till tolls are paid, and ship and goods may be distrained and sold for tolls.

XIII. The officer of Government, whose duty it shall be to grant a Port-Clearance for any ship clearing out of, or leaving any such port, harbour, or place under the Government of the East India Company, shall not grant such Port-Clearance to any ship until the Owner or Agent of such ship, or the Master or other person in command thereof, shall pay all tolls to which such ship shall be liable under this Act, or

produce a proper voucher for, or give satisfactory proof of the payment of such tolls at the same or some other port or place. If any Master or Owner, or other person having the charge of any ship liable to the payment of any tolls under this Act, shall refuse or neglect to pay the amount thereof to the person authorized to collect or receive the same, such person may distrain or cause to be distrained, any goods or merchandize, to whomsoever the same may belong, on board such ship, and any tackle, apparel, or furniture belonging to such ship, and may remove the same, or cause the same to be removed, to some convenient place, leaving on board such ship notice in writing of such distress and of the cause thereof, and of the place of removal: if such tolls, together with the costs of such distress and removal, shall not be paid within three whole days after the seizure, exclusive of the day of such seizure, the person authorized to collect or receive such tolls may cause the goods, merchandize, tackle, apparel, and furniture so seized to be sold, and out of the proceeds of such sale shall pay the amount of the tolls to which such ship may be liable under this Act, together with the reasonable costs of such seizure, detention, and sale, rendering to the Master or Owner, or other person having the command of such vessel, the over-plus, if any, on demand.

XIV. Notwithstanding any thing in this Act contained, the person authorized to collect the said tolls at any such port, harbour, or place aforesaid, may, in his own name, sue for and recover, on behalf of the East India Company, the amount of any tolls payable to him under this Act, by action in any of the Civil Courts of Her Majesty or of the East India Company against the Owner or Master, or other person, who, at the time of such toll becoming due, shall have the command of any ship liable thereto. Collector may sue for recovery of tolls.

XV. In order to ascertain the burden of any ship liable to pay toll under this Act, the person authorized to collect such toll may require the Owner, Master, or other person in command of such ship, or any person having possession of the Burden of ship how to be ascertained.

same, to produce the register of such ship for the inspection of such person, if the ship shall be a British registered Ship or a ship registered in any part of the territories of the East India Company, and upon the refusal or neglect of any such Owner; Master, or other person to produce such register, or, if such ship shall not be a ship registered as aforesaid, upon the refusal or neglect of such Owner or Master to satisfy the person authorized to collect such tolls as to what is the true burden of the ship, it shall be lawful for such person to cause such ship to be measured at the expense of the Master thereof, and such expense shall be receivable in the same manner as tolls payable under this Act, or it shall be lawful for such person to deliver to such Master, Owner, or other person in command of the ship or in the possession thereof, or to leave for him on board such ship, a notice in writing, specifying what in his judgment is the burden of the ship, and the burden specified in such notice shall be deemed to be the real burden of the ship and be treated as such for all the purposes of this Act, until the Owner, Master, or other person having the command of the ship shall give sufficient proof of the true burden thereof.

Evading payment of tolls.

XVI. The master of any ship which shall depart from or enter any such port, harbour, or roadstead as aforesaid, upon, or in the course of, or at the termination of any voyage, shall, upon demand by any person authorized to collect or receive tolls under this Act, specify upon what voyage he is bound; and if any Master of any such ship shall refuse or neglect so to do, or shall give a false statement, or shall endeavour to evade the payment of any tolls payable under this Act, or shall obstruct any officer of Government in the discharge of his duty under this Act, he shall be punishable by a Magistrate in a summary manner by a fine not exceeding Two Hundred Rupees.

Magistrate to decide disputes respecting tolls.

XVII. If any dispute shall arise respecting the liability of any ship to the payment of toll under this Act, or in respect of the burden of any ship, or the amount of toll payable, or

the amount of any charges on account of any distress, removal, or sale under this Act; such dispute shall be heard and determined by a Magistrate in a summary manner, and the decision of such Magistrate shall be final.

XVIII. The Governor-General of India in Council may, from time to time, as he may think fit, reduce the tolls payable under this Act, in respect of all vessels or of any particular class or classes of vessels, and again raise the same to any amount not exceeding the amounts above specified. **Governor General in Council may alter rates of tolls.**

XIX. The word "Ship" throughout this Act shall be held to mean and include a Schooner, Cutter, Brig, Brigantine, Barque, Steam-vessel, and any square-rigged vessel. The word "Master" shall mean any person having the command of a ship. **Interpretation.**

The word "Magistrate" shall be deemed to include a Joint Magistrate and any person lawfully exercising the powers of a Magistrate, and a Justice of the Peace.

ACT No. XIV. OF 1851.

Repealed by Act IV 1855

ACT No. XV. OF 1851.

Repealed.

ACT No. XVI. OF 1851.

BENGAL.

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1. *Sections 3 and 7, Regulation XI. 1831, repealed.*
2. *Darogahs of Police to be subject to Tehseeldars.*
3. *Regulation XI. 1831, as amended, extended to Benares.*

An Act to amend Regulation XI. of 1831 of the Bengal Code.

Whereas the provisions of Sections 3 and 7 of Regulation XI. 1831, have been found inconvenient, and whereas it

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is expedient that Regulation XI. 1831, as amended by this Act, should be extended to the whole of the Province of Benares; It is enacted as follows :—

I. Sections 3 and 7, Regulation XI. 1831, of the Bengal Code are hereby repealed.

II. Wherever any Tehseeldar shall have Police jurisdiction under the provisions of Section 2 of the said Regulation XI. 1831, every Darogah of Police hereafter appointed within the local limits of the Police jurisdiction of such Tehseeldar shall be subordinate to, and subject to the control of, such Tehseeldar in his capacity of Chief Police Thannadar.

III. Regulation XI. 1831, as amended by this Act, shall extend to the whole of the Province of Benares, and all powers vested by the said Regulation in the Governor-General in Council, may be exercised by the Lieutenant-Governor of the North-Western Provinces.

GENERAL.

ACT No. XVII. OF 1854.

1 *Repeal of former Acts.*
2 *Exclusive privilege of carrying letters vested in the East India Company.*
3. *Prohibitions.*
4. *Penalties for breach of privilege.*
5. *Appointment of Officers.*
6. *Postage rates on letters.*
7. *Postage rates on newspapers, &c.*
8. *Newspapers, &c., how to be sent by post.*
9. *When to be charged with letter postage.*
10. *Proof sheets.*

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* With reference to the term " Magistrate " in Section 52 and other Sections of this Act it was held by the Supreme Court in an elaborate Judgment on the 10th February 1856, in the Case of the Queen *v.* Ahmad Bukhsh that that term did not include Magistrates of Police or Justices of the Peace for the presidency Towns: and as no power had been given to the Supreme Court to deal with offences hereby made punishable by Magistrates only, Act XVIII. of 1856 was passed to supply the omission.

An Act for the management of the Post Office, for the regulation of the duties of Postage, and for the punishment of offences against the Post Office.

Repeal of former Acts.

I. Act No. XVII. of 1837, Act No. XX. of 1838, and Act No. XVII. of 1839, are hereby repealed, except so far as they repeal the whole, or any part of any other Act or Regulation, and except as to any act or offence which shall have been done or committed, or to any money which shall have

become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation.

Exclusive privilege of carrying letters vested in the East India Company.

II. Wheresoever, within the territories under the Government of the East India Company, posts or post communications are or shall be established by the East India Company, the said East India Company shall have the exclusive privilege of conveying by post, from one place to another, all letters other than letters conveyed by Her Majesty's mails, except in the following cases, and shall also have the exclusive privilege of performing all the incidental services of receiving, collecting, sending, despatching, and delivering all letters, except in the following cases, that is to say:

1. Letters sent by a private friend in his way, journey, or travel, so as such letters be delivered by such friend to the person to whom they shall be directed, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering the same.

2. Letters solely concerning the affairs of the sender or receiver thereof, sent by a messenger on purpose.

3. Letters solely concerning goods or other property sent either by sea or land, to be delivered with the goods or property which such letters concern, without hire, reward, or other profit or advantage, for receiving, carrying, or delivering such letters.

But nothing herein contained shall authorize any person to make a collection of such excepted letters for the purpose of sending them in the manner hereby authorized.

Prohibitions.

III. Wheresoever within the said territories posts or post communications are, or shall be established by the East India Company, the following persons are expressly forbidden to collect, carry, or deliver any letter or letters, or to receive any letter for the purpose of carrying or delivering the same, although they shall not receive hire or reward for so doing, that is to say:

1. Common carriers of passengers or goods, and their drivers, servants, or agents; except letters solely concerning goods in their carriages.

2. Owners and Commanders of ships, steam-boats, or other vessels passing on any river or canal, or to or from any port in the territories under the Government of the East India Company, and their servants or agents; except letters solely concerning goods on board.

Penalties for breach of privilege.

IV. Every person who shall convey otherwise than by the post a letter not excepted from the said exclusive privilege shall, for every letter so conveyed, forfeit a sum not exceeding Fifty Rupees; and every person who shall be in the practice of so conveying letters not so excepted shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding Five Hundred Rupees, and every person who shall perform otherwise than by the post any services incidental to conveying letters from place to place, whether by receiving, taking up, ordering, collecting, carrying, or delivering a letter or letters not excepted from the said exclusive privilege, shall forfeit for every such letter a sum not exceeding Fifty Rupees; and every person who shall be in the practice of so performing any such incidental services shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding Five Hundred Rupees; and every person who shall send a letter not excepted from the said exclusive privilege otherwise than by the post, or shall either tender or deliver a letter not so excepted in order to be sent otherwise than by the post, shall forfeit for every such letter a sum not exceeding Fifty Rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding Five Hundred Rupees; and every person who shall make a collection of excepted letters for the purpose of sending them otherwise than by the post, shall forfeit for every such letter a sum not exceeding Fifty Rupees; and every person who shall be in the practice of making a collection of excepted letters for such purpose shall forfeit, for every week during which the practice shall continue, a further sum not exceeding Five Hundred Rupees. Every person who shall carry, receive, or

deliver a letter or collect letters contrary to the provisions of Section 3 of this Act, shall forfeit for every such letter a sum not exceeding Fifty Rupees; and every person who shall be in the practice of committing any of the acts last mentioned shall, for every week during which the practice shall be continued, forfeit a further sum not exceeding Five Hundred Rupees.

V. For carrying on the service of the Post Office, it shall be lawful for the Governor-General of India in Council to appoint, or to authorize the local Governments to appoint such Officer or Officers, with such official styles or designations, and to vest them with and delegate to them such powers, not inconsistent with the provisions of this Act, as the said Governor-General of India in Council may deem expedient. Appointment of Officers.

VI. Wheresoever posts or post communications are or shall be established by the East India Company, postage, if pre-paid by a stamp or stamps as hereinafter provided, shall be charged by weight on letters transmitted by the letter post by sea or land, or partly by sea and partly by land, according to the following scale:— Postage rates on letters.

On every letter not exceeding a quarter of a tolah in weight, six pies.

On every letter exceeding a quarter of a tolah, and not exceeding half a tolah in weight, one anna.

On every letter exceeding half a tolah, but not exceeding one tolah in weight, two annas.

On every letter exceeding one tolah and not exceeding one tolah and a half in weight, three annas.

On every letter exceeding one tolah and a half, and not exceeding two tolahs in weight, four annas.

And for every tolah in weight above two tolahs, two additional annas; and every fraction of a tolah above two tolahs shall be charged as one additional tolah.

Every packet or other article transmitted by the letter post shall be deemed a letter within the meaning of this Section, unless it be a packet or other article on which a different rate or postage shall be chargeable under this Act.

The rates of postage specified in this and the following Section may be charged on all letters or other articles which shall pass through any Post Office, provided that such postage shall not be charged on letters or other articles received through Her Majesty's Mails, when such letters or articles are delivered at the place of receipt; nor on any letter or article transmitted by Her Majesty's Mails, when posted at the place of despatch of such Mails; nor on any newspaper received by sea otherwise than through the East India Company's post and delivered at the place of receipt; nor on any newspaper posted for despatch by sea otherwise than through the East India Company's post, when posted at the place of despatch.

Postage rates on newspapers, &c.

VII. Wheresoever posts or post communications are or shall be established by the East India Company, postage on newspapers, pamphlets, and other printed or engraved papers transmitted by the letter post by sea or land, or partly by sea and partly by land, shall be charged by weight according to the following scale:—

1. On every imported newspaper, pamphlet, or other printed or engraved paper—

If the same shall not exceed six tolahs in weight, two annas.

If the same shall exceed six, but shall not exceed twelve tolahs in weight, four annas.

If the same shall exceed twelve tolahs in weight, there shall be charged and taken two additional annas for every six tolahs in weight above twelve tolahs; and every fraction of six tolahs above twelve tolahs shall be charged as six additional tolahs.

2. On every newspaper, pamphlet, or other printed or engraved paper not imported—

If the same shall not exceed three and a half tolahs in weight, two annas.

If the same shall exceed three and a half tolahs and not exceed six tolahs in weight, four annas.

If the same shall exceed six tolahs in weight, there shall

be charged and taken two additional annas for every three tolahs in weight above six tolahs; and every fraction of three tolahs above six tolahs in weight shall be charged as three additional tolahs.

An extra or supplement to any newspaper, bearing the same date as the newspaper and transmitted therewith under the same cover, shall be deemed part of the newspaper.

Nothing contained in this Act shall be construed to oblige any person to send any newspaper, pamphlet, or other printed or engraved paper through the Post Office, but it shall be lawful for all persons to send the same in any other manner.

VIII. A newspaper, pamphlet, or other printed or engraved paper shall not be sent by the letter post at the rates prescribed in the preceding Section, unless the following conditions be observed, that is to say — Newspapers, &c., how to be sent by post.

1. It shall be without a cover, or in a short cover open at both ends.

2. There shall be no word printed on such newspaper, pamphlet, or other printed or engraved paper after its publication, or upon the cover thereof, nor any writing or mark upon it or upon the cover of it, except the name and address of the person to whom it is sent, and the name and address of the sender.

3. There shall be no paper or thing enclosed in or with any such newspaper, pamphlet, or other printed or engraved paper.

IX. Any newspaper, pamphlet, or other printed or engraved paper sent by the letter post, in respect of which the above conditions shall not be observed, shall, together with any thing enclosed in or with the same, be charged with postage at the rate which would be charged on an unstamped letter of equal weight. When to be charged with letter postage

X. Proof sheets marked as such may be sent by the letter post at the rates prescribed for newspapers, provided the contents be correctly certified on the cover by the signature in Proof sheets.

full of the sender, otherwise the same shall be charged with postage at the rate which would be charged on an unstamped letter of equal weight.

Inland banghy postage.

XI. Inland banghy postage shall be charged by weight and distance, on parcels sent by the banghy post, according to the following scale:

For Distance.		If not exceeding in Weight						
		20 Tolahs.	100 Tolahs	200 Tolahs.	300 Tolahs	400 Tolahs.	500 Tolahs.	600 Tolahs.
	Miles.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.	Rs. As.
Not exceeding ..	100	0 2	0 4	0 8	0 12	1 0	1 4	1 8
Not exceeding ..	300	0 6	0 12	1 8	2 4	3 0	3 12	1 8
Not exceeding .	600	0 12	1 8	3 0	4 8	6 0	7 8	9 0
Not exceeding ..	900	1 2	2 4	4 8	6 12	9 0	11 4	13 8
Not exceeding ..	1200	1 8	3 0	6 0	9 0	12 0	15 0	18 0
Exceeding	1200	1 11	3 12	7 8	11 4	15 0	18 12	22 8

Provided that several letters shall not be enclosed in a banghy parcel under a penalty not exceeding Fifty Rupees, and letter postage shall be chargeable on every letter contained therein

Books, pamphlets, &c

XII Books, pamphlets, packets of newspapers, and of printed or engraved papers other than newspapers, provided they do not exceed one hundred and twenty tolahs in weight, and be sent without covers, or packed in short covers open at both ends, and provided the postage thereon be pre-paid by means of a proper stamp or stamps to be affixed thereon as hereinafter provided, shall, if sent by the banghy post, or by sea as banghy parcels, or partly by the banghy post and partly by sea, be charged with the following rates of postage, without reference to the distance to which they may be carried:

If not exceeding twenty tolahs in weight, one anna.

If exceeding twenty tolahs, but not exceeding forty tolahs in weight, two annas.

And for every twenty tolahs in weight above forty tolahs, there shall be charged and taken one additional anna; and

every fraction of twenty tolahs above forty tolahs shall be charged as twenty additional tolahs.

If any such book, pamphlet, or packet exceed one hundred and twenty tolahs, or if the postage chargeable thereon be not pre-paid as aforesaid, it shall be subject to the rate of postage prescribed for banghy parcels in the preceding Section of this Act.

Table of distances.

XIII. Banghy postage, when chargeable by distance under Section 11, shall be calculated and charged according to a Polymetrical Table of distances, showing, as accurately as practicable, the distance by the nearest road between every two Post Office Stations in India, which Table shall be prepared by order of the Governor-General of India in Council, and corrected from time to time as need be. Each Post Master General shall prepare from the aforesaid Polymetrical Table, in the English and Vernacular languages, for the use of every Post Office under his control, a list of all the other Post Offices of India, arranged alphabetically, and showing the distance of each of them from the Post Office for the use of which it is made; and such list shall be affixed in some conspicuous place in such Post Office.

Limitation of weight of letters where there is a banghy post.

XIV. Where there is a banghy post established on any line of road, no letter or other article exceeding twelve tolahs in weight shall be conveyed by the letter post on that line of road, except in such cases, and under such restrictions as the Governor-General of India in Council may direct; and every letter or other article not exceeding twelve tolahs in weight shall be conveyed by the letter post, unless expressly directed to be sent by the banghy post.

Where there is no banghy post.

XV. Where there is no banghy post established on any line of road, letters, parcels, and packets exceeding twelve tolahs, and not exceeding forty tolahs in weight, shall be received and transmitted by the letter post. Letters shall be charged according to the scale in Section 6, and newspapers, pamphlets, and other printed or engraved papers according to the scale in

Letters and other articles exceeding twelve tolahs, but not exceeding forty tolahs.

Section 7, of this Act, as the case may be; parcels and packets shall be charged with banghy postage according to the scale in Section 11, or Section 12, of this Act, as the case may be, if it be certified in writing on such parcel or packet, under the full signature and address of the sender, that it does not contain any letter or other written communication, or any newspaper, pamphlet, or other printed or engraved paper. If any such certificate be false; any such thing contained in such certified letter or other article shall be charged with postage according to the rates specified in Section 6, or Section 7, of this Act as if sent separately, and the sender will be subject to the penalty hereinafter provided. Parcels exceeding forty tolahs, and not exceeding six hundred tolahs in weight, shall be transmitted along any such line as banghy parcels; but it shall be in the discretion of the Post Master, or Deputy Post Master, to whom such parcels are brought for despatch, to forward them at such times and in such manner as may be convenient.

Certificate.

Parcels exceeding forty tolahs.

Where banghy parcels and letter mail are conveyed in the same carriage.

XVI. Whenever the Post Master General of any Presidency shall have notified in the official *Gazette* that the banghy post is conveyed in the same carriage with the letter post along any line of road, it shall not be lawful to send by the banghy post any letter or written communication of less weight than twelve tolahs, or any packet of newspapers; and every person who shall knowingly send by the banghy post, along any such line of road, any such letter, written communication, or newspaper enclosed in a parcel, shall forfeit for every such offence a sum not exceeding Fifty Rupees, and postage shall be charged for every such letter, packet, or newspaper, as if sent separately by the letter post.

Ship postage on parcels.

XVII. On all parcels chargeable under Section 11 with banghy postage according to distance when conveyed by land, ship postage shall be charged when they are conveyed by means of the East India Company's post by sea, according to the following scale, namely,

On every parcel not exceeding one hundred tolahs in weight, eight annas.

And for every hundred tolahs in weight above one hundred tolahs, eight additional annas; and every fraction of one hundred tolahs above one hundred tolahs shall be charged as one hundred additional tolahs; and if such parcel be conveyed by the East India Company's post, partly by banghy and partly by sea, ship postage shall be charged in addition to inland banghy postage.

Limitation of the weight and dimensions of parcels.

XVIII. No parcel exceeding six hundred tolahs in weight, or three feet in length, or one foot in breadth, or one foot in depth, or two thousand five hundred and ninety-two cubic inches in bulk, shall be received at any Post Office for despatch either by ship or steamboat, or by banghy post, except in such cases and under such restrictions as the Governor-General of India in Council shall direct. On parcels exceeding six hundred tolahs in weight, when so forwarded, there shall be charged and taken an additional single rate of banghy postage according to distance for every hundred tolahs above six hundred tolahs; and every fraction of one hundred tolahs above six hundred tolahs shall be charged as one hundred additional tolahs.

Ship and inland postage on foreign covers must be pre-paid.

XIX. Letters and newspapers posted for despatch, either by Her Majesty's Mails or otherwise, to Ceylon, or to any place to which a post communication shall not have been established by the East India Company, upon which the full amount of postage chargeable under this Act has not been pre-paid by a postage stamp or stamps, shall not be despatched, but shall be dealt with as unclaimed letters are hereinafter directed to be dealt with. No parcel shall be received for despatch as above to any such place, unless the full amount of postage chargeable thereon shall be pre-paid in money or by a postage stamp or stamps. Provided, that nothing in this Section shall be construed to require the pre-payment of British postage on letters, parcels, or other articles upon which the pre-payment of such postage has been left optional by Her Majesty's Post Master General.

What postage to be charged on letters, &c., not pre-paid.

XX. Subject to any alteration which may be made by virtue of the power hereinafter vested in the Governor-General of India in Council, letters posted for despatch, either by sea or land, to any place to which a post communication is or shall be established by the East India Company, upon which the postage chargeable under Section 6 of this Act has not been pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and upon every such letter double postage shall be charged on delivery. Newspapers, pamphlets, and other printed and engraved papers so posted, not pre-paid by a postage stamp or stamps, shall be forwarded to their destination, and the postage chargeable on them shall be levied on delivery: but no money shall be received at any Post Office in pre-payment of postage on any letter, newspaper, pamphlet, or other printed or engraved paper so posted. On parcels so posted, the postage chargeable according to Section 11, or Section 17, may be pre-paid in money or by a postage stamp or stamps: when not pre-paid, they shall be forwarded to their destination, and the postage thereon shall be levied on delivery.

Governor-General in Council may order the pre-payment of postage in all cases.

XXI. It shall be lawful for the Governor-General of India in Council at any time to direct that all or any letters, packets, parcels, or other articles, shall not be forwarded by post, unless the postage thereof shall be pre-paid by means of a proper stamp or stamps; or that on all or any letters, packets, parcels, or other articles on which the postage shall not be pre-paid by a stamp or stamps, or otherwise, as the said Governor-General in Council shall direct, there shall be charged such higher rates of postage as from time to time may be deemed expedient, not exceeding double the rates of postage hereinbefore specified.

Letters, &c., with insufficient stamps, how to be charged.

XXII. If any letter be posted, having affixed thereto a postage stamp or stamps, the value of which shall be less than the rate of postage to which such letter would be liable if duly and properly stamped when posted, there shall be charged on such letter a postage of double the amount of the difference between the value of the stamp affixed thereto and the postage

to which such letter would be liable as aforesaid if duly and properly stamped when posted. If any parcel, newspaper, pamphlet, or other printed or engraved paper shall be so posted, having affixed thereto any such stamp or stamps, the value of which shall be less than the rate of postage to which the same would be otherwise liable under this Act, there shall be charged thereon a postage equal to the amount of the difference between the value of the stamp or stamps affixed thereto and the postage to which such parcel, newspaper, pamphlet, or other printed or engraved paper shall be otherwise liable, as aforesaid.

XXIII. On every letter or packet, which shall be re-directed and forwarded by the letter post, from any place to which it shall have been conveyed by the letter post, there shall be charged for the postage thereof from the place at which the same shall be re-directed, in addition to all other postage paid or due thereon, the rate of postage to which it would be liable, if posted and pre-paid by stamp at the place where it shall be re-directed. **Re-directed letters.**

XXIV. No person shall knowingly post, or send, or tender or deliver in order to be sent by the post, any letter, parcel, or packet containing any explosive or other dangerous material or substance; and any person contravening this prohibition shall forfeit for every such offence a sum not exceeding Two Hundred Rupees. **No dangerous substance to be sent by post.**

XXV. It shall be lawful for the Governor-General of India in Council at any time to authorize the levy of postage at rates different from those prescribed in this Act, provided there be no increase made thereby in any particular of the rates so prescribed, except as provided in Section 21 of this Act. **Governor General of India in Council may alter the rates of postage.**

XXVI. No person, having delivered into any Post Office any letter, parcel, or packet, shall be entitled to recall the same; but nothing in this Section shall prevent the re-delivery of any such letter, parcel, or packet to the sender thereof, sub- **Letters and packets, once put into the Post Office, not to be recalled.**

ject to such rules and regulations, if any, as the Governor-General of India in Council may direct; but newspapers, pamphlets, or other printed or engraved papers may be so re-called or restored, provided that the person claiming the same shall satisfy the Officer in charge of the Post Office that he was the sender thereof, and provided the amount of postage which would have been due thereon, if the same had been forwarded, be paid.

Steam postage.

XXVII. The postage charged on letters and packets by Her Majesty's Post Master General, under the name of Steamer or British packet postage, or by any other denomination, shall, after the rates of such postage have been published in the official *Gazette* of any Presidency, be recovered in the same manner as postage chargeable under this Act.

Postage stamps.

XXVIII. All letters and other articles, having a stamp or stamps affixed thereto, (such stamp or stamps in every case being affixed on the outside and being equal in value to the rate or rates of postage to which such letters or other articles are liable under this Act,) shall, provided the stamp or stamps shall not have been used before, be considered as pre-paid.

How to be provided.

XXIX. The Governor-General of India in Council shall cause postage stamps to be provided, denoting such value as the said Governor-General of India in Council may direct, and shall give such orders, and make such other regulations relative thereto, as may be deemed expedient.

Postage stamps to be under management of any Officer to be appointed.

XXX. Postage stamps provided as aforesaid shall be under the care and management of such Officer or Officers as the Governor-General of India in Council shall direct; and all sums of money realized by the sale of postage stamps shall be carried in the public accounts to the credit of the Post Office.

Vendors of postage stamps to be appointed.

XXXI. The Governor-General of India in Council may make rules for the appointment and government of vendors of postage stamps, and thereby direct how and under what terms and conditions postage stamps may be supplied to them for

sale; and whether any and what security shall be given by such vendors, and whether any and what remuneration or discount shall be allowed to them, and how and in what manner and at what time or times such vendors shall keep and render their accounts and pay over the proceeds of any sales made by them or re-deliver the stamps entrusted to them.

Vendors to be bound by rules.

XXXII. Government vendors of postage stamps shall be bound by such rules, and, in case of any wilful breach thereof, shall be liable to a penalty not exceeding Two Hundred Rupees, in addition to any other proceedings to which they may be liable.

Penalty of vendor refusing to supply stamps.

XXXIII. Any Government vendor of postage stamps, who shall be convicted of refusing or unnecessarily delaying, without reasonable excuse, to furnish postage stamps to any person desiring to purchase the same, and tendering in lawful currency the full value thereof, (the stamp vendor having in his possession for sale sufficient stamps of the description and value required), shall be subject to a fine not exceeding One Hundred Rupees.

Penalty of vendor selling stamps for higher price than the value denoted thereby.

XXXIV. Any Government vendor of postage stamps, convicted of taking from a purchaser a higher price than the value denoted on the stamps sold, shall be deemed guilty of extortion, and shall be punished, on conviction, with imprisonment, with or without hard labor, for any term not exceeding six months, or to a fine not exceeding One Hundred Rupees, and shall also be liable to refund to the purchaser the whole amount proved to have been taken in excess, which amount may be recovered by such purchaser before a Magistrate in the same manner as any penalty under this Act.

Penalties for forging stamps, &c.

XXXV. *Clause* 1. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any die, plate, or other instrument used for the purpose of making postage stamps; or if any person shall forge or imitate, or cause to be forged or imitated, any postage stamps; or if any

person shall knowingly, and without lawful excuse, (the proof of which excuse shall lie on the person accused,) have in his possession any false, forged, or counterfeited die, plate, or other instrument resembling, or intended to resemble, either wholly or in part, any die, plate, or instrument used for the purpose aforesaid; or if any person shall stamp or mark any paper or other substance with any such false, forged, or counterfeit die, plate, or instrument as aforesaid; or if any person shall knowingly use, utter, sell, or expose for sale, or shall knowingly, and without lawful excuse, (the proof of which excuse shall lie on the person accused), have in his possession any paper or other substance having thereon the impression of any such false, forged, or counterfeit die, plate, or other instrument as aforesaid; or having thereon any counterfeit stamp resembling, or intended to resemble, or to be mistaken for a postage stamp—such person so offending, and every person knowingly aiding, abetting, or assisting such person in committing any such offence, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Forged stamps may be seized.

Clause 2. Any Officer of Police may seize and transmit to the Magistrate any such forged or counterfeit die, plate, or other instrument, or any such forged or counterfeit postage stamp.

And searched for

Clause 3. Any Officer of Police having power by law to search for stolen property may, subject to the provisions under which he is empowered to make such search, proceed to search houses or other places in which there may be reasonable cause to suspect that there is any such forged or counterfeit article, and shall seize and transmit to the Magistrate any such counterfeit article that may be found therein.

Penalties for evading postage stamp duties.

XXXVI. If any person shall fraudulently remove any postage stamp from any letter or other thing to which such stamp shall have been affixed; or if any person shall knowingly use any such stamp or stamps so fraudulently removed; or if any person shall fraudulently erase or remove, from any such stamp or stamps, any writing or other matter or thing

thereon written or impressed, every person so offending shall forfeit a sum not exceeding Two Hundred Rupees for every such offence.

Postage on unpaid letters, &c., to be paid by the receiver.

XXXVII. The person to whom any letter or other article, the postage of which has not been paid, shall be delivered, shall not be bound to pay the postage if he forthwith return the same unopened, but if he open the same, he shall be bound to pay the postage due thereon. If he forthwith return the same unopened, the sender of the letter or packet shall be bound to pay the postage thereof. If any person shall refuse to pay any postage which he is legally bound to pay for any letter or other article, the same may be recovered for the use of the East India Company by any Post Master General, or by any officer in charge of a Post Office by order of a Post Master General, in the same manner as a fine may be recovered under this Act; and it shall be lawful for the officer in charge of any Post Office to withhold from the person so refusing, until such postage be paid, any other letter or packet addressed to that person, not being superscribed as on the public service. Provided always, that if a letter or other article shall appear to the satisfaction of the Post Master of the office of delivery to have been maliciously sent for the purpose of annoying the person to whom it is addressed, the Post Master of the delivery office may remit the postage.

Registered letters.

XXXVIII. Any person posting a letter or other article shall be entitled to require that it shall be registered at the receiving Post Office, and that a receipt shall be granted for such registered letter or article, and it shall be lawful for the Governor-General in Council to direct, that, in addition to any rates of postage payable under this Act, a fee not exceeding four annas shall be charged on any letter or other article which the sender thereof shall require to be so registered, and such registration fee shall be paid on the letter or other article being delivered at the Post Office.

Expresses.

XXXIX. It shall be lawful for the Governor-General of India in Council to fix and order any rate of postage to

be charged for the conveyance of letters or other articles by express, in addition to, or instead of any other rates of postage chargeable on such letters and articles under this Act.

Commanders of inward-bound vessels carrying mails, how to proceed.

XL. When any vessel arrives by sea at any place within the territories under the Government of the East India Company at which there is a Post Office, the Commander of such vessel shall, as speedily as possible, cause every letter and packet on board of such vessel, which is directed to that place, and not excepted from the exclusive privilege of the Post Office, to be delivered either at the Post Office or to some officer of the Post Office authorized to receive the same; and if there be on board any letter or packet directed to any other place, and not excepted from the exclusive privilege aforesaid, the said Commander shall, as speedily as possible, report the same to the Post Master of the place at which he has arrived, and shall act according to the directions he may receive from such Post Master, and the receipt of such Post Master shall discharge such Commander from all responsibility in respect of such letter or packet. Every Commander of a vessel who shall wilfully disobey any of the directions contained in this Section, shall be punished with a fine not exceeding One Thousand Rupees.

Penalty.

Detention of letters on board prohibited.

XLI. Every person, being either the Commander of a vessel inward-bound or any one on board such vessel, who shall, within the said territories, knowingly have in his possession any letter not excepted from the privilege of the Post Office after any part of the letters on board the said vessel shall have been sent to the Post Office, shall forfeit for every such letter a sum not exceeding Fifty Rupees, whether the letter be in the baggage or on the person of the offender or otherwise in his custody; and every such person, who shall detain any such letter after demand made for the same by an Officer of the Post Office, shall forfeit for every such letter a sum not exceeding One Hundred Rupees.

Bounty money.

XLII. For every letter delivered by the Commander of any ship in conformity with the directions of Section 40 of

this Act, the Officer in charge of the Post Office shall pay to the said Commander the sum of one anna; and the sum of one anna shall be chargeable as postage on such letter in addition to any other postage chargeable thereon under this Act. Provided, that no payment shall be made to the Commander of any vessel on account of the delivery of any letter, unless the claim of such Commander shall be preferred before the vessel leaves the place at which the letter was delivered, or before the expiration of two months from the date of the arrival of such vessel. Provided also, that nothing contained in Sections 40, 41, and 42 of this Act shall extend to any letter or packet conveyed by Her Majesty's Mails.

XLIII. The Commander of every vessel leaving any place in the said territories by sea shall receive on board of such vessel every letter and packet which he shall be required so to receive by any Officer of the Post Office, and shall give a receipt for such letter or packet; and every Commander of a vessel, who shall wilfully disobey any direction contained in this Section, shall be punished with a fine not exceeding One Thousand Rupees. **Commanders of outward-bound vessels to receive mails on board.**

XLIV. *Clause* 1. A list of all letters, packets, and parcels, posted and addressed to persons who cannot be found, shall be prepared daily in every Post Office and exposed for not less than two weeks in the most conspicuous part of such Office; and all such letters, packets, and parcels, which shall have remained three weeks unclaimed in any Office, shall, if the sender's name and address are written on the cover, be returned to the posting Office to be delivered to the sender free of all charge; all letters, packets, and parcels, of which the sender's name and address cannot be ascertained unless they be opened, shall, after remaining unclaimed for three weeks as above, be forwarded to the office of the Post Master General of the Presidency. **Unclaimed letters, &c.**

Clause 2. The Post Master General, or some person duly appointed for the purpose and bound to secrecy, shall immediately open all such letters, packets, or parcels, and, if the **To be opened, &c.**

address of the sender can be discovered, shall enclose them in dead letter covers and return them to the sender. All letters, packets, and parcels, of which neither the person addressed nor the sender can be found, shall, after they have remained unclaimed in the Office of the Post Master General for one year, be destroyed.

Money, &c., found therein.

Clause 3. All money found in any unclaimed letter, packet, or parcel, shall be paid into the Public Treasury, and all other valuable property found as above shall be sold by the Post Master General of the Presidency, or by some one duly authorized by him for that purpose, and the proceeds of the sale shall be paid into the Public Treasury for the benefit of any person who may have a right thereto, after deducting all sums due from such person for postage.

Refused letters, &c.

XLV. Letters, parcels, or packets rejected unopened by the person to whom they are addressed, shall be forthwith sent to the office of the Post Master General of the Presidency, who shall open the letter, parcel, or packet, and take measures to recover the postage from the sender, or shall at his discretion destroy the letter, parcel, or packet; and all money, or other valuable property, which such letter, parcel, or packet may contain, shall be disposed of in the manner prescribed in the preceding Section, with respect to such money or property contained in unclaimed latters.

Franking abolished.

XLVI. On and after the passing of this Act, the privilege of sending and receiving letters and packets by the post free of postage, whether official or otherwise, shall wholly cease; and all letters and packets, to which any such privilege now extends, shall henceforth be charged with the same rates of postage as any other letters sent by the post. Provided, that letters and packets on the public service, certified to be such by the signature of any public Officer authorized in that behalf by the Governor-General of India in Council, shall be forwarded by the post as if they were duly stamped, and the postage due thereon shall be charged to the several public departments from which such letters or packets are sent, in

Letters on the public service duly certified as such, how to be charged.

such manner as the said Governor-General of India in Council shall direct.

Penalty for false certificate.

XLVII. Every person who shall, for the purpose of defrauding the Post Office Revenue, wilfully certify, by writing, on any Official or other letter or packet delivered at any Post Office for conveyance by post, that which is not true in respect of such letter or packet, or in respect of the whole of its contents, or shall knowingly send or deliver, or attempt to send or deliver for conveyance by post, any letter or packet with any such false certificate thereon; and every person who shall knowingly send, or permit to be sent, by post, under color or pretence of an official communication, any letter, paper, writing, or other enclosure of a private nature; and every person who shall aid, abet, or conceal any of the offences in this Section abovementioned, shall, for every such offence, forfeit a sum not exceeding Five Hundred Rupees.

Letters, &c., suspected to contain contraband articles, or writing in contravention of this Act, how to be dealt with.

XLVIII. If any Officer in charge of a Post Office shall suspect that any letter, parcel, or packet, lying for delivery at his office, contains any contraband article, or any article on which duty is owing to Government, or that any letter, parcel, or packet lying for delivery at the Post Office, contains any writing or enclosure in contravention of the provisions of Sections 8, 15, 16, or 17 of this Act, it shall be lawful for such Officer to summon the person to whom the letter, parcel, or packet is directed, to attend at the Post Office by himself or agent within forty-eight hours after the arrival thereof at that Post Office, and to open the same in the presence of the person to whom it is directed, or of that person's agent, and if that person shall not so attend by himself or agent, then to open it in the absence of that person. Provided that, if the Officer in charge be under the rank of a Post Master, he shall call in two respectable persons as witnesses before he shall open a letter, parcel, or packet in the absence of the person to whom it is addressed. Provided also, that in all cases the opened letter, parcel, or packet shall be subsequently delivered to the person to whom it is addressed, unless it be required for ulterior pro-

ceedings, and that the opening of the same, and the circumstances connected therewith, shall be immediately reported to the Post Master General. It shall also be lawful for any Officer in charge of a Post Office to refuse to forward any parcel or packet through the Post Office by sea to any foreign port or to any place not on the continent of India, unless such parcel be accompanied by a Custom House Pass.

Government not responsible for loss.

XLIX. The Government shall not be responsible for any loss or damage which may occur in respect of anything entrusted to the Post Office for conveyance, and no person employed by the Government in the Post Office Department shall be responsible for any such loss or damage, unless that person shall cause such loss or damage negligently, maliciously, or fraudulently.

Penalty for secreting, opening, or making away with letters, &c, by persons employed in the Post Office.

L. Whoever, being in the employ of the Government in the Post Office Department, shall fraudulently secrete, make away with, or appropriate any letter, parcel, or packet which may have been entrusted to him, or anything contained in any such letter, parcel, or packet, or shall mutilate or break open any such letter, parcel, or packet, or any banghy parcel or box, with the intention of fraudulently appropriating anything therein contained, shall be punished with imprisonment, with or without hard labor, for a term not exceeding seven years, and shall also be liable to fine.

Penalty for detaining mails.

LI. It shall not be lawful for any person, unless acting by express order of the Government, to detain, except for a criminal offence, a Post Office messenger whilst carrying the mail, or to detain any carriage or horse upon which the mails are being carried, or on any pretence to open a packet in transit from one Post Office to another; and every person who shall be guilty of any of the above-mentioned offences shall be punished with a fine not exceeding Five Hundred Rupees.

Penalty for retaining letters, &c., delivered by mistake.

LII. Every person who shall fraudulently retain, or wilfully secrete, or make away with, or keep or detain, or, being required to deliver by an Officer of the Post Office, shall neglect

or refuse to deliver up, a post letter or other article which ought to have been delivered to any other person, or a post letter bag containing a letter or other article or packet which shall have been sent by the post, shall be punished, on conviction *before a Magistrate*,* with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for neglect on the part of persons employed to carry mails.

LIII. Every person employed to convey or deliver any post-bag or any letter, parcel, or packet sent by post, who shall be guilty while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of any such bag or letter, parcel or packet, shall be endangered; or who shall loiter or make delay in the conveyance or delivery of any such bag, letter, parcel, or packet; or who shall not use proper care and diligence safely to convey or deliver any such bag, letter, parcel, or packet, shall be liable to a fine not exceeding Fifty Rupees; and any person employed to deliver a letter, parcel, or packet sent by the post, who shall not duly deliver the same, shall within a reasonable time, not exceeding twenty-four hours, report the fact at the Post Office where he received such letter, parcel, or packet, and return the same; and if any such person shall wilfully make a false report, he shall be liable to a fine not exceeding Fifty Rupees.

Penalty for embezzlement by persons employed in the Post Office.

LIV. Whoever, being in the employ of the Government in the Post Office Department, and being entrusted to receive money for postage duty or any other public purpose, shall fraudulently appropriate the same, shall be punished, on conviction *before a Magistrate*,* with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

* See Act XVIII. 1859 which was passed in consequence of the Calcutta Supreme Court having held that a Justice of the Peace, or a Magistrate of Police, for the Presidency Towns was not a Magistrate within the meaning of this and similar Sections of this Act, whereby those Sections became wholly inoperative in the Presidency Towns, no authority having been given to the Supreme Court itself to deal with the offences mentioned therein.

Penalty for fraudulently altering marks on letters, &c, by persons employed in the Post Office.

LV. Whoever, being in such employ as is described in Section 54, shall fraudulently put any wrong mark on any letter, parcel, or packet, or shall fraudulently alter, remove, or cause to disappear, any mark or stamp which is on any letter or packet, or shall fraudulently use or place with or upon any letter or packet any stamp which shall have been removed from any other letter or cover, or shall aid, abet, or conceal any of the above-named acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for incorrectly preparing documents, or secreting documents, by persons employed in the Post Office.

LVI. Whoever, being in such employ as is described in Section 54, and being entrusted with the preparing or keeping of any document, shall, with a fraudulent intention, prepare that document incorrectly or alter that document, or shall aid, abet, or conceal any of the above-named acts, or secrete or destroy that document, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Penalty for sending letters without charging postage, by persons employed as above.

LVII. Whoever, being in such employ as is described in Section 54, shall send by the post, or put into any post-bag, any unstamped letter, parcel, or packet upon which postage has not been paid or charged in the manner prescribed in this Act, intending thereby to defraud the Government of the postage on such letter, parcel, or packet, or shall aid, abet, or conceal any such acts, shall be punished, on conviction before a Magistrate, with imprisonment, with or without hard labor, for a term not exceeding two years, and shall also be liable to fine.

Fines how to be recovered

LVIII. Any person, whether a European British subject or not, who shall be guilty of any offence for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta,

Madras, and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of Magistrate; and any person hereby made punishable by a Justice of the Peace shall be punishable upon summary conviction.

LIX. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds, but the depositions taken, or a copy of them, shall be returned with the conviction, order or judgment, in obedience to any writ of *certiorari*; and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Conviction to be quashed on the merits only. Form of conviction, &c.

LX. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant; and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Magistrates acting judicially.

Magistrate may refer charge to his Assistant.

LXI. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of the conviction. Provided, that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Government may authorize Assistants and Deputy Magistrates to exercise certain powers.

LXII. All fines imposed under the authority of this Act, for offences punishable by fine only, by any Justice of the Peace

Fines how levied.

Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender by warrant under the hand of any of the above-named Officers; and in case any such fine shall not be forthwith paid, any such Officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless such party shall give security to the satisfaction of such Officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such Officer may take such security by way of recognizance or otherwise; and if, upon the return of such warrant, it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such Officer by the confession of the party or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such Officer, by warrant under his hand, may commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Officer, for any term not exceeding two calendar months where the amount of the fine shall not exceed Fifty Rupees, and for any term not exceeding four calendar months where the amount shall not exceed One Hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Imprisonment if no sufficient distress, &c.

Moiety of fines to informer.

LXIII. A share not exceeding one moiety of every fine imposed and recovered under this Act may be awarded to the informer.

No proceedings to be taken without an order.

LXIV. No proceedings shall be taken for the recovery of any such fine without an order of Government, or an order in writing of the Director General of the Post Office, or of a Post Master General.

ervants of ...ast India Company committing offences in Foreign States in alliance.

LXV. If any servant of the East India Company, who shall be employed by the said Company in the Post Office Department, or shall be appointed a vendor of postage stamps, or entrusted by the said Company or any of the said local Governments with the sale of postage stamps within the dominions of any Foreign Prince or State in alliance with the said Company, in which a post shall be established by the said Company, shall, within the dominions of such Prince or State, commit any act hereby prohibited, or omit to do any act hereby required to be done, by any person similarly employed, appointed, or entrusted as aforesaid within the territories under the Government of the said Company, such servant of the said Company shall be guilty of an offence, and, on conviction thereof, shall be punished in the same manner as if such act had been done or omitted within the said last-mentioned territories; and every such person may be tried, convicted, and punished, either by fine or otherwise according to the nature of the offence, by any Court or Officer duly empowered by the Governor-General of India in Council to take cognizance of offences committed in such dominions by servants of the East India Company, or by any Court or Magistrate, or other competent Officer, in any part of the territories within the Government of the East India Company, in the same manner as if the offence had been committed in such part of the said territories.

Interpretation.

LXVI. The word "Magistrate" in this Act shall include Joint Magistrates and persons lawfully exercising the powers of Magistrates, and the word "fine" shall include a penalty or forfeiture, or a sum of money due upon a forfeited recognizance.

Governor-General in Council may frame rules.

LXVII. It shall be lawful for the Governor-General of India in Council to frame rules for the conduct of the Post Office not inconsistent with this Act, and therein to prescribe the regulations, conditions, and restrictions according to which all letters and other articles shall be posted, forwarded, conveyed, and delivered.

Books, by post to or from the United Kingdom.

LXVIII. Unless the Governor-General of India in Council shall otherwise order, nothing in this Act shall authorize the charge of postage upon printed books, magazines, reviews, or pamphlets (whether British, Colonial, or Foreign) sent through the post from the United Kingdom to any place to which there shall be a post established by the East India Company, or from such place to the United Kingdom, provided the British postage chargeable thereon be pre-paid.

Governor-General in Council may exempt from postage letters sent to or from the United Kingdom.

LXIX. It shall be lawful for the Governor-General of India in Council, by an order in Council, to direct that postage shall not be chargeable under this Act on any letters or other articles, to be specified in such order, sent through the post from any part of the British dominions to any place to which there shall be a post established by the East India Company, or from such place to any part of the British dominions, subject to such conditions, as to the pre-payment of British postage or otherwise, as the Governor-General of India in Council may think fit.

District dawks.

LXX. It shall be lawful for the Governor-General of India in Council to frame rules for the management of all or any Zemindaree, Thannah, or other district dawks, and to declare, from time to time, what portions of this Act shall be applicable to such dawks and to persons employed in connexion therewith.

Commencement of Act.

LXXI. This Act shall commence and take effect from and after the first day of October, 1854.

ACT No. XVIII. OF 1854.

GENERAL.

1. Fares to be pre-paid. Passenger tickets to be given upon demand. Penalty.

2. At intermediate Stations, fares and tickets to be conditional. Proviso.

3. Penalty for fraud.

4. Fine for entering carriage in motion. Or riding on the steps.

5. Fine for riding on engine, tender, or luggage-van.

6. Smoking prohibited.

7. Penalty for intoxication or nuisance.

8. Penalty for entering private room or carriage.

9. No liability for passengers' luggage.

10. No liability for loss of Gold, Silver, &c., unless in the case of special engagement.

11. Public notice or private contract not to limit liability.

12. Remedy for non-payment of the carriage of goods.

13. Written account of goods to be given on demand.

14. Penalty for false account.

15. Carriage of goods of a dangerous nature.

16. Penalty for obstructing servant in his duty.

17. Penalty for trespass.

18. Penalty for driving an animal upon or across Railway.

19. Precaution if Railway crosses road. Proviso. Penalty.

20. Railway to be fenced. Penalty for not fencing.

21. Liability of owner of animal trespassing.

22. Penalty for injury to carriage, &c.

23. Penalty for opening or not properly shutting gates.

24. Offender may be apprehended.

25. Penalty for wilful act or omission endangering a passenger.

26. Penalty for wilful act or omission in a Railway officer.

27. Penalty for drunkenness or breach of duty by Railway officer.

28. Penalty for an act not wilful.

29. Rule of construction of this Act.

30. Jurisdiction of Magistrate, &c. to fine.

31. Conviction to be quashed on merits only—form of conviction, &c.

32. Magistrate may refer case to his Assistant or Deputy.

33. Local Government may authorize Assistant, &c. Proviso.

34. Fines how to be recovered.

35. Jurisdiction in the Madras and Bombay Presidencies.

36. Enforcing payment of fare by passenger not producing ticket.

37. Apprehension of offenders.

38. Construction.

An Act relating to Railways in India.

Whereas it is expedient that all Railways, which have been, or shall be opened by any Railway Company, under the superintendence and control of the East India Company. for the public conveyance of passengers or goods in any part of the territories in the possession and under the Government of the said Company, should be subject to the same regulations; It is enacted as follows :—

Fares to be pre-paid.

I. No person shall enter any carriage used on any such Railway, for the purpose of travelling therein, without having first paid his fare, and obtained a ticket. Every person desirous of travelling on such Railway shall, upon payment of his fare, be furnished with a ticket, specifying the class of carriage and the distance for which the fare has been paid, and shall, when required, show his ticket to any servant of the said Company duly authorized to examine the same, and shall deliver up such ticket, upon demand, to any of the Company's servants duly authorized to collect tickets. Any person not producing or delivering up his ticket, as aforesaid, shall be liable to pay the fare from the place whence the train originally started, unless he can prove that he has travelled a less distance only, in which case he shall be liable to pay the fare only from the place whence he has travelled.

Passenger tickets to be given upon demand.
Penalty.

At intermediate Stations, fares and tickets to be conditional.

II. At the intermediate Stations, the fares shall be deemed to be accepted, and the tickets furnished only upon condition that there be room in the train for which the tickets shall be furnished. In case there shall not be room for all the passengers to whom tickets shall have been furnished, those who shall have obtained tickets for the longest distance shall have the preference; and those who shall have obtained

tickets for the same distance shall have the preference according to the order in which they shall have received their tickets. Provided that all Officers and troops of Her Majesty, or of the East India Company, on duty, and all other persons on the business of the East India Company, who by virtue of any contract with the East India Company, shall be entitled to be conveyed on such Railway in preference to, or in priority over the public, shall be entitled to such preference and priority without reference to the distance for which, or the order in which they shall have received their tickets. **Proviso.**

III. Any person who shall defraud or attempt to defraud any such Railway Company, by travelling, or attempting to travel, upon such Railway, without having previously paid his fare; or by riding in or upon a carriage of a higher class than that for which he shall have paid his fare; or by continuing his journey in or upon any of the carriages of the Company beyond the place for which he shall have paid his fare, without previously paying the fare for the additional distance, and with intent to avoid payment thereof; or who shall knowingly and wilfully refuse or neglect, on arriving at the point to which he shall have paid his fare, to quit such carriage; or who shall, in any other manner whatever, attempt to evade the payment of his fare, shall be liable to a fine not exceeding Fifty Rupees for each offence. **Penalty for fraud.**

IV. Any passenger, who shall get into or upon, or attempt to get into or upon, or shall quit or attempt to quit, any carriage upon any such Railway, while such carriage is in motion; or who shall ride or attempt to ride upon any such Railway, on the steps, or any other part of a carriage, except on those parts which are intended for the accommodation of passengers, shall be liable to a fine not exceeding Twenty Rupees for each offence. **Fine for entering carriage in motion.** **Or riding on the steps.**

V. Any person other than the engine-man, and fire-man, and assistant fire-man, if any, who, without the special license of the Superintendent of Locomotives, shall ride or **Fine for riding on an engine, or tender, or on a luggage van.**

attempt to ride upon any locomotive engine or tender upon any such Railway; and any person other than the guard or breaksman, who, without such license as aforesaid, shall ride or attempt to ride upon such Railway, in or upon any luggage-van or goods-waggon, or other vehicle not appropriated to the carriage of passengers, shall be liable to a fine not exceeding Twenty Rupees for each offence.

Smoking prohibited.

VI. If any person shall smoke, either on the premises, or in or upon any of the carriages belonging to any such Railway Company, except in places or carriages which may be specially provided for the purpose, he shall be liable to a fine not exceeding Twenty Rupees for each offence; and if any person persist in infringing this regulation after being warned to desist by any of the servants of the Company, such person, in addition to incurring the liability above-mentioned, may be removed by any of the servants of the Company from any such carriage, and from the premises of the Company, and shall forfeit his fare.

Penalty for intoxication or nuisance.

VII. Any person who shall be in a state of intoxication, or shall commit any nuisance or act of indecency in any Railway carriage, or upon any part of the premises of any such Railway Company; or who shall wilfully and without lawful excuse interfere with the comfort of any passenger on such Railway, shall be liable to a fine not exceeding Twenty Rupees; and in addition to such liability, the offender may be removed by any of the servants of the Company from any such carriage, and also from the premises of the Company, and shall forfeit his fare.

Penalty for entering private room or carriage.

VIII. If any special carriage, or portion of a carriage, or any private room or apartment, shall be provided by any such Railway Company for the exclusive use of females, any male person, who without lawful excuse shall enter such carriage, or portion of a carriage, or any such room or apartment, knowing the same to be exclusively appropriated as aforesaid, or shall remain therein after having been informed of its

exclusive appropriation, shall be liable to a fine not exceeding One Hundred Rupees, and may be removed therefrom, and also from the premises of the Company, by any of the servants of the Company, and shall forfeit his fare.

No liability for passengers' luggage.

IX. No such Railway Company shall in any case be answerable for loss or injury to any passengers' luggage unless it shall have been booked and separately paid for.

No liability for any loss of Gold, Silver, &c., unless in the case of a special engagement.

X. No such Railway Company shall in any case be answerable for loss of or injury to any gold or silver, coined or uncoined, manufactured or unmanufactured, or any precious stones, jewellery, watches, clocks, or time-pieces of any description, trinkets, Government securities, bills of exchange, promissory notes, Bank-notes, orders, or other securities for payment of money, Government stamp-paper, postage stamps, maps, writings, title-deeds, paintings, engravings, pictures, plated articles, glass, china silks in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, shawls, lace, or any of them contained in any parcel or package which shall have been delivered to such Railway Company, either to be carried for hire or to accompany the person of any passenger, unless the value and nature of such articles shall have been declared by the person or persons sending or delivering the same, and an increased charge for the safe conveyance of the same shall have been accepted by some person especially authorized to enter into such engagements on behalf of the said Railway Company.

Public notice or private contract not to limit liability.

XI. The liability of such Railway Company for loss or injury to any articles or goods to be carried by them other than those specially provided for by this Act shall not be deemed or construed to be limited or in any wise affected by any public notice given, or any private contract made by them; but such Railway Company shall be answerable for such loss or injury when it shall have been caused by gross negligence or misconduct on the part of their agents or servants.

Remedy for non-payment of the carriage of goods.

XII. If any person shall fail to pay on demand any sum due to any such Railway Company for the conveyance of any goods, it shall be lawful for the Company to detain all or any part of such goods, or, if the same shall have been removed from the premises of the Company, any other goods of such person which shall then be on their premises, or shall thereafter come into their possession; and also to sell by public auction sufficient of such goods to realize the sum payable as aforesaid, and all charges and expenses of such detention and sale, and out of the proceeds of the sale, to retain the sum so payable, together with the charges and expenses aforesaid, rendering the overplus, if any, of the money arising by such sale, and such of the goods as shall remain unsold, to the person entitled thereto; or the Company may recover any such sum by action at law.

Written account of goods to be given on demand.

XIII. The owner or person having the care of any goods which shall have been carried upon any such Railway, or shall be brought on to the premises of any such Railway Company for the purpose of being carried on their Railway, shall, on demand by any servant of the Company appointed to receive goods to be carried on that part of the Railway on which such goods shall have been carried, or shall be about to be carried, deliver to such servant an exact account in writing signed by him of the number or quantity and description of such goods.

Penalty for false account.

XIV. If any such owner or person as aforesaid shall wilfully fail to give such account to such servant of the Company, or if he shall wilfully give a false account thereof, he shall for every such offence be liable to a fine not exceeding Fifty Rupees for every ton of goods, or for any parcel exceeding one hundred weight; and to a fine not exceeding Twenty Rupees for any quantity of goods less than a ton or for any parcel less than one hundred weight.

Carriage of goods of a dangerous nature.

XV. No person shall carry upon any such Raliway any dangerous goods, or be entitled to require any such Railway Company to carry upon such Railway any luggage or goods

which, in the judgment of the Company or any of their servants, shall be of a dangerous nature; and if any person shall carry upon such Railway any dangerous goods or shall deliver to such Railway Company any such goods for the purpose of being carried upon such Railway, without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing of the nature thereof to the book-keeper or other servant of the Company to whom the same shall be delivered for the purpose of being so carried, he shall be liable to a fine not exceeding Two Hundred Rupees for every such offence; and it shall be lawful for any such Company or any of their servants to refuse to carry any luggage or parcel that they may suspect to contain goods of a dangerous nature, and to require the same to be opened to ascertain the fact previously to carrying the same; and in case any such luggage or parcel shall be received by the Company for the purpose of being carried on the Railway, it shall be lawful for the Company, or any of their servants to stop the transit thereof, until they shall be satisfied as to the nature of the contents of the baggage or parcel.

Penalty for obstructing servant in his duty.

XVI. Any person who shall wilfully obstruct or impede any officer or servant of the Company in the discharge of his duty on such Railway, or any of the works, stations, or premises connected therewith, shall be liable to a fine not exceeding Fifty Rupees.

Penalty for trespass.

XVII. Any person who shall trespass upon any such Railway, or upon any of the lands, stations, or other premises belonging to the Company, shall be liable to a fine not exceeding Twenty Rupees; and if any such person shall refuse to leave such Railway or premises on being requested to do so by any officer or servant of the Company, or by any other person on behalf of the Company, he shall be liable to a fine not exceeding Fifty Rupees, and may be immediately removed from such Railway or premises by such officer, servant, or other person as aforesaid.

Penalty for driving an animal upon or across Railway.

XVIII. Any person who shall wilfully ride, lead, or drive upon or across any such Railway, any animal, except in directly crossing the said Railway at any road or place appointed for that purpose, at a time at which he shall be lawfully authorized so to do, shall be liable to a fine not exceeding Fifty Rupees for each offence.

Precaution if Railway crosses road.

XIX. If the Railway cross any public carriage road on a level, the Railway Company shall erect, and at all times maintain good and efficient gates, either across the Railway, or across the road on each side of the Railway where the same shall communicate with the road, and shall employ proper persons to open and shut such gates. If such gates be across the road they shall be kept constantly closed, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross the Railway, and the gates shall be of such dimensions and so constructed as when closed to fence in the Railway, and prevent cattle or horses passing along the road from entering upon the Railway. If the gates be across the Railway that shall be kept closed, except when engines or carriages passing along the Railway shall have occasion to cross the road, and shall be of such dimensions and so constructed as when open to fence in the Railway, and prevent cattle, carriages, or passengers from entering upon the Railway. Provided that it shall be lawful for the local Government in any case to order that the gates shall be across the road or across the Railway as the Government may think fit, and in such case the gates shall be erected, maintained, and closed accordingly. If any Railway Company shall wilfully fail to comply with the provision of this Section, they shall forfeit a sum not exceeding Two Hundred Rupees for each offence, and any Magistrate or Justice of the Peace may, in case any such gates be not erected or maintained, order the Company to erect and maintain the same within a time to be specified in the order, and in case of wilful failure on the part of the Railway Company to comply with such order, they shall be liable to a fine not exceeding Two Hundred Rupees for every day that they shall wilfully fail so to do.

Proviso.

Penalty.

XX. Every such Railway Company shall be bound to erect and maintain good and sufficient fences on each side of their Railway; or, failing therein, shall be liable to a fine not exceeding Fifty Rupees for every offence; and it shall be lawful for a Magistrate or Justice of the Peace to order the Company to erect or repair any such fence within a time to be specified in the order, and, upon failure of the Company to comply with such order, they shall be liable to a fine not exceeding Fifty Rupees for every day that they fail so to do.

Railway to be fenced. Penalty for not fencing.

XXI. The owner of any animal which shall trespass or stray upon any such Railway, or upon any lands belonging to such Railway Company, except for want of the erection or maintenance of any fence or gate which the Company is bound to erect and maintain, shall be liable to a fine not exceeding Ten Rupees for each animal; and it shall be lawful for the Company, or any of their servants, to take or drive every animal which shall be found so trespassing to the nearest Police Station, there to be detained until the highest amount of fine incurred by such trespass and the expense of feeding and keeping the animal be paid, or until a Magistrate shall otherwise order. A Magistrate may, upon proof of the trespass, cause such animal to be sold by public auction, and the proceeds of the sale, after deducting therefrom such fine or such a sum, not exceeding Ten Rupees for each animal, as the Magistrate shall award to be paid in lieu of the fine to which the owner is hereby made liable, and such further sum as the Magistrate shall order to be paid for the expenses of detaining, feeding, and selling such animal, shall be returned to the owner of the animal on demand.

Liability of owner of animal trespassing.

XXII. Any person who shall unlawfully and wilfully remove or deface the number plates, or remove or extinguish any lamp on any carriage belonging to any such Railway Company; or shall wilfully or negligently damage or injure any carriage, engine, waggon, truck, warehouse, building, machine, fence, or any other matter or thing belonging to such Railway Company, shall be liable to a fine not exceeding Fifty Rupees.

Penalty for injury to carriage, &c.

Penalty for opening or not properly shutting gates.

XXIII. If any person for whose use or accommodation any gate shall have been set up by any such Railway Company on either side of such Railway, or any other person, shall open such gate, or pass or attempt to pass, or drive or attempt to drive any carriage, cattle, or other animal or thing across the said Railway at a time when any engine or train approaching along the same shall be in sight; or shall at any time omit to shut and fasten such gate, as soon as he and any carriage, cattle, or other animal or thing under his charge shall have passed through the same, he shall be liable to a fine not exceeding Fifty Rupees.

Offender may be apprehended.

XXIV. If any person shall commit any offence hereby made punishable by fine, and the name and address of such person shall be unknown, or there be reason to believe that the offender will abscond, any officer or servant of the Company, or any Police Officer, or other person whom such officer or servant may call to his aid, may, without any warrant or written authority, lawfully apprehend and detain such offender until he can be taken before a Magistrate or other officer having jurisdiction over the offence, or shall give sufficient security for his appearance before such Magistrate or other officer, or shall be otherwise discharged by due course of law.

Penalty for wilful act or omission endangering a passenger.

XXV. Whoever shall wilfully do any act, or shall wilfully omit to do what he is legally bound to do, intending by such act or omission to cause, or knowing that he is thereby likely to cause the safety of any person travelling or being upon any such Railway to be endangered, shall be liable to be transported beyond sea for the term of his life, or to be imprisoned, with or without hard labor, for any term not exceeding seven years.

Penalty for such wilful act or omission in a Railway officer.

XXVI. If any officer or servant of such Railway Company shall wilfully do any act which he is legally prohibited from doing, or shall wilfully or negligently omit to do what he is legally bound to do, and if in consequence of such act or omission, the safety of any person travelling or being upon such Railway shall be endangered, such officer or servant shall

be liable to be imprisoned, with or without hard labor, for any term not exceeding three years, or to fine, or to both.

Penalty for drunkenness or breach of duty by Railway officer.

XXVII. Any officer or servant of such Railway Company, who shall be in a state of intoxication whilst actually employed upon the Railway, or any of the works connected therewith, in the discharge of any duty, and any officer or servant of such Company who negligently shall omit to perform his duty, or shall perform the same in an improper manner, shall be liable to a fine not exceeding Fifty Rupees; and if the duty in any of the cases in this Section above-mentioned be such that the omission or negligent performance thereof would be likely to endanger the safety of any person travelling or being upon such Railway, such officer or servant shall, on conviction *before a Magistrate*,* be liable to imprisonment, with or without hard labor, for a term not exceeding one year, or to fine, or to both.

Penalty for an act not wilful.

XXVIII. If any person shall rashly or negligently, and without lawful excuse, do any act which shall likely to endanger the safety of any person travelling or being upon such Railway, he shall, upon conviction *before a Magistrate*,* be liable to imprisonment, with or without hard labor, for a term not exceeding one year, or to fine, or to both.

Rule of construction of this Act.

XXIX. In the construction of this Act, every officer and servant of such Railway Company shall be deemed to be legally bound to do everything, necessary for or conducive to the safety of the public, which he shall be required to do by any regulation which shall be made by the Company, and allowed by the Governor-General of India in Council, and of which regulation such officer or servant shall have notice; and every such officer and servant shall be deemed to be legally prohibited from doing every act which shall be likely to cause danger, and which by any such regulation he shall be prohibited from doing; and every person employed by or on behalf of

* With reference to the words in Italics in these and other similar Sections of this Act, see Act XVIII. 1859, and the note with respect to it, appended to Act XVII 1854, S. 52.

such Railway Company to do any act upon the Railway, shall be deemed to be a servant of the Company.

Jurisdiction of Magistrate, &c. to fine.

XXX. Any person, whether a European British subject or not, who shall be guilty of any offence, for which, according to the provisions of this Act, he shall be liable to a fine only, shall be punishable for such offence by any Justice of the Peace for any of the Presidency Towns of Calcutta, Madras and Bombay, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, whether the offence shall have been committed within the local limits of the jurisdiction of such officer or not, and any person hereby made punishable by a Justice of the Peace, shall be punishable upon summary conviction.

Conviction to be quashed on merits only form of conviction, &c.

XXXI. No conviction, order, or judgment of any Justice of the Peace shall be quashed for error of form or procedure, but only on the merits; and it shall not be necessary to state on the face of the conviction, order, or judgment, the evidence on which it proceeds; but the depositions taken, or a copy of them, shall be returned with the conviction, order, or judgment, in obedience to any writ of *certiorari*, and if no jurisdiction appears on the face of the conviction, order, or judgment, but the depositions taken supply that defect, the conviction, order, or judgment shall be aided by what so appears in such depositions.

Magistrate may refer case to his Assistant or Deputy.

XXXII. A Magistrate may refer for trial and decision any charge of an offence hereby made punishable by fine only to any of his Assistants, or to any Deputy Magistrate lawfully appointed to exercise the powers of a Covenanted Assistant, and in such case every such Assistant or Deputy Magistrate may exercise all the powers vested in a Magistrate, subject to all the rules applicable to criminal cases deputed to such Assistants or Deputy Magistrate, acting judicially.

Local Government may authorize Assistant, &c.

XXXIII. The local Government may give general authority to any such Assistant or Deputy Magistrate to exercise, without reference by a Magistrate, any of the powers which they are hereby rendered competent to exercise upon reference

by a Magistrate, subject to appeal to the Magistrate from any conviction by such Assistant or Deputy Magistrate, within one month from the date of conviction. Provided that a Magistrate may at any time call from any of his Assistants, or from any Deputy Magistrate subordinate to him, any case pending before such Assistant or Deputy Magistrate.

Proviso.

XXXIV. All fines imposed under the authority of this Act for offences punishable by fine only by any Justice of the Peace, Magistrate, Joint Magistrate, or person lawfully exercising the powers of a Magistrate, or by any Assistant to a Magistrate, or Deputy Magistrate, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand of any of the abovenamed officers; and in case any such fine shall not be forthwith paid, any such officer may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of such officer for his appearance at such place and time as shall be appointed for the return of the warrant of distress, and such officer may take such security by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of such officer, by the confession of the offender or otherwise, that he has not sufficient goods and chattels whereupon such fine or sum of money could be levied if a warrant of distress were issued, any such officer may, by warrant under his hand, commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor according to the discretion of such officer, for any term not exceeding two calendar months when the amount of the fine shall not exceed Fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed One Hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

Fines how to be recovered.

Jurisdiction in the Madras and Bombay Presidencies.

XXXV. The heads of district police and ameens of police in the Presidency of Madras, and district or joint police officers in the Presidency of Bombay, may punish, to the extent of the powers conferred upon them respectively in petty offences, any offence hereby made punishable by fine not exceeding Twenty Rupees.

Enforcing payment of fare by passenger not producing ticket.

XXXVI. Payment of any fare to which any passenger not producing or delivering up his ticket shall be liable under Section 1, of this Act, may be enforced in the same manner as any fine imposed by this Act.

Apprehension of offenders.

XXXVII. Every person who shall be guilty of any offence mentioned in Sections 25, 26, 27, and 28 of this Act, may be lawfully apprehended without any warrant or written authority, by any servant or officer of the Company, or by any other person whom such officer or servant shall call to his aid, or by any police officer of such grade as shall by any law in force for the time being be entrusted in any case with the power of arrest without a warrant; and every person so apprehended shall, with all convenient despatch, be carried and conveyed before a Magistrate or Justice of the Peace, or other officer lawfully authorized to punish the offender or to commit him for trial.

Construction.

XXXVIII. In the construction of this Act, unless where a contrary intention appears from the context, the word "Magistrate" shall include a Joint Magistrate, and any person lawfully exercising the powers of a Magistrate; words in the singular number shall include the plural; words in the plural shall include the singular; and words in the masculine gender shall include the feminine; and the word "fine" shall include a sum of money due upon a forfeited recognizance.

Acts repealed.

XXXIX. Acts No. III. of 1853 and No. XII. of 1853 are hereby repealed, except as to acts done, offences committed, and liabilities incurred before ths passing of this Act.

All Indian Railways to be within the Act.

XL. Every Railway within the said territories, used for the public conveyance of passengers or goods, shall, until the

contrary be proved, be presumed to be a Railway within the meaning of this Act, and every Company to whom any such Railway shall belong shall, until the contrary be proved, be presumed to be a Railway Company within the meaning of this Act.

XLI. Every such Raliway Company shall, within forty-eight hours after the occurrence upon the Railway belonging to such Company of any accident attended with serious personal injury, give notice thereof to the local Government; and if any such Company omit to give such notice, they shall forfeit the sum of Fifty Rupees for every day during which the omission to give the same shall continue.

Penalty for omitting to report accident.

XLII. The local Government may order and direct any such Railway Company to make up and deliver to them a return of serious accidents occurring in the course of the public traffic upon the Railway belonging to such Company, whether attended with personal injury or not, in such form and manner as the Government shall deem necessary and require for their information, with a view to the public safety; and if any such returns shall not be so delivered within fourteen days after the same shall have been required, every such Company shall forfeit the sum of Fifty Rupees for every day during which the said Company shall neglect to deliver the same.

Local Government may require a return of accidents.

Penalty.

XLIII. A copy of this Act, and of the General Regulations, Time Tables, and Tariff of charges, which shall from time to time be published by any Railway Company with the sanction of the local Government, shall be exhibited in some conspicuous place at each Station of every Railway, so that they may be easily seen and read; and all such documents shall be so exhibited in English and in the Vernacular language of the district in which the Station is situate, and in such other language, if any, as shall be required by order of the local Government.

Copy and translation of Acts to be shown at Railway Stations.

BENGAL and MADRAS.

ACT No. XIX. OF 185

Repeal of Acts prohibiting the importation of Sugar into Bengal, Madras, and the North-Western Provinces.

An Act for removing the prohibition against the importation of Foreign Sugar.

Whereas, by the provisions of a Statute passed in the 12th year of the reign of Her present Majesty, the duties to be levied on the importation of Sugar from different places into the United Kingdom, have been equalized: It is enacted as follows:—

Acts XXXII. of 1836, XV. of 1839, XI. of 1842, and so much of Act XIV. of 1843 as prohibits the importation of Sugar into any part of the North-Western Provinces of the Presidency of Bengal, are hereby repealed.

BENGAL

ACT No. XX. OF 1854.

1. *Repeals part of Regulation XIII. of* 1833.
2. *Officer appointed by the Local Government may exercise all powers by that Regulation vested in the Agent to the Governor-General.*

An Act to amend Regulation XIII. of 1833 of the Bengal Code.

Whereas it is expedient to amend the provisions of Regulation XIII. of 1833 of the Bengal Code; It is enacted as follows:—

I. So much of the said Regulation as prescribes that the Officer in whom the duties specified in Section 4 of the said Regulation shall be vested, shall be denominated "Agent to the Governor-General," is repealed.

II. Such duties shall be vested in any Officer whom the local Government shall, from time to time, appoint for that purpose, and such Officer, when appointed, and his assistants, respectively may exercise, within the tracts of country separated

as prescribed in the said Regulation, all the powers which, by the said Regulation, the Agent to the Governor-General and his assistants respectively may exercise, and all the provisions in the said Regulation relating to the Agent to the Governor-General and his assistants, shall be applicable to the Officer to be appointed as aforesaid and his assistants respectively.

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*ACT No. XXI. OF 1854.

GENERAL.

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1 *Secretary, &c., empowered to draw and endorse Bills, &c., and to sign documents for the Banks.*

2. *The Banks may lend money on shares of guaranteed Railway Companies. Proviso*

An Act to amend the Law relating to the several Banks of Bengal, Madras, and Bombay.

For the purpose of removing doubts, and of extending the powers of the chartered Banks of Bengal, Madras, and Bombay; It is enacted as follows :—

I. The persons for the time being holding the Offices of Secretary and Treasurer, or of Secretary alone, or of Deputy Secretary of the Bank of Bengal, of the Bank of Madras, or of the Bank of Bombay, are hereby severally empowered, for and on behalf of the Bank under which they hold either of such offices, to endorse and transfer Government Securities standing in the name of the Bank, to draw, accept, and endorse Bills of Exchange, Promissory Notes, and Bank Post Bills connected with the current and ordinary business of the Bank, and to sign all other documents connected with such business.

II. It shall be lawful for any of the said Banks to lend money on the security of Shares in such of the incorporated India Railway Companies as hold a guarantee from the East India Company with regard to interest : provided that no such

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* Repealed as regards the Bank of Bengal by Act IV. 1862.

loan shall in any case exceed in amount three-fourths of the paid up value of the Shares on the security of which the loan is made; and in every case such Shares shall be transferred to the Bank by which the loan is made, either absolutely, or by way of mortgage.

BENGAL. and MADRAS.

ACT No. XXII. OF 1854.

Repeals certain parts of Statute 53, George 3, c. 155, s. 105, of Section 2, of Regulation XV. of 1806 of the Bengal Code, and of Regulation IV. of 1809 of the Madras Code.

An Act to repeal certain parts of the 53, George 3, c, 155, of Section 2, Regulation XV. of 1806 of the Bengal Code, and of Regulation IV. of 1809 of the Madras Code.

Whereas by Letters Patent dated the 1st day of March, 1851, all amerciaments, fines, forfeitures, and penalties belonging to the Crown, were granted to the East India Company, and it is no longer necessary that fines realized by Magistrates, under the provisions of the Statute 53, George 3, c. 155, s. 105, should be remitted to the Clerk of the Crown; and whereas also it is no longer necessary, that, in all cases in which European British Subjects are concerned, the Magistrates should report their proceedings to the Government; It is enacted as follows:—

So much of the Act of Parliament 53, George 3, c. 155, s. 105, as requires that, in all cases of conviction of a British Subject under the provisions contained in that Section, the Magistrate, before whom such conviction takes place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place where the offence was committed is subordinate; and so much of the same Section of the above-mentioned Act, as prescribes that any part of any fines shall be transmitted by the Magistrate to the Clerk of the Crown or other Officer to whom it belongs to receive fines in any of Her Majesty's Courts of Oyer and Terminer and Jail Delivery, and

that such fines shall be disposed of in the same manner as other fines imposed by such Courts; and so much of Section 2, Regulation XV. of 1809 of the Bengal Code and Section 2, Regulation IV. of 1806 of the Madras Code, as requires the Magistrate, by whom any European British Subject is held to bail or committed to take his trial before Her Majesty's Supreme Court at Calcutta, to transmit copies of the original depositions, together with translations of any papers not being in the English language, to the Secretary to Government, are hereby repealed.

ACT No. XXIII. OF 1854.

Repealed by Act XX. 1859.

ACT No. XXIV. OF 1854.

MADRAS.

1 *Use of Ayudha Cutty or any similar weapon prohibited. Such weapons to be surrendered by a certain date.*

2 *Fine for possessing, purchasing, selling, or manufacturing same, after such date.*

3. *Magistrate may search for prohibited weapons. Penalty for resisting search.*

An Act to prohibit the possession of certain offensive weapons in Malabar.

Whereas it is expedient to prohibit the possession of certain offensive weapons in the District of Malabar, in the Presidency of Fort St. George, It is enacted as follows:—

1. The use of the Ayudha Cutty or war-knife, or of any similar offensive weapon, is hereby prohibited throughout the District of Malabar; and every person possessing a weapon of the description so designated, or any similar weapon, is required to surrender it, on or before the date which shall be appointed for the above provisions taking effect, and according to such orders as shall be published in that behalf by the Magistrate.

II. After such date, any person who shall be found in possession of an Ayudha Cutty or war-knife, or of a similar offensive weapon, or who shall purchase, or sell, or manufacture, or cause to be manufactured, any Ayudha Cutty or war-knife, or similar weapon, shall be liable, on conviction before a Magistrate, to a fine not exceeding Fifty Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or to both; and the said war-knife or weapon shall be confiscated.

III. It shall be lawful for the Magistrate of Malabar to cause search to be made by his Police Officers, acting under his warrant, in any house or other place in which any Ayudha Cutty or war-knife, or any similar offensive weapon, may be supposed to be contrary to this Act; and any such Ayudha Cutty or war-knife, which shall be found, may be seized and confiscated. It shall also be competent to the Magistrate, at his discretion, to delegate to any of his European Assistants the powers conferred by this Section. Any person who shall resist or oppose such search or seizure, or forcibly withstand any Police Officer charged with such warrant, shall be liable to the same penalties, as if such person had opposed or resisted the execution of a warrant for the search after stolen goods.

GENERAL.

ACT No. XXV. OF 1854.

Section 12, *Regulation II. of* 1793, *Section* 12, *Regulation V. of* 1795, *Section* 11, *Regulation XXV. of* 1803, *and part of Section* 18, *Regulation VIII. of* 1805 *of the Bengal Code repealed. Proviso.*

An Act for discontinuing the practice of issuing Warrants for the payment of money from the Treasuries of the Collectors.

Whereas the issue of Warrants for the payment of money from the Treasuries of the Collectors is unnecessary, It is enacted as follows :—

Section 12, Regulation II. of 1793, Section 12, Regulation V. of 1795, Section 11, Regulation XXV. of 1803, and so much

of Section 18, Regulation VIII. of 1805 of the Bengal Code as extends Section 11, Regulation XXV. of 1803 to the Provinces and Territories specified in Section 3, of that Regulation, are hereby repealed. Provided, however, that no money shall be paid away from any such Treasury, except under the written order of the Collector or other Officer in charge of the Treasury.

ACT No. XXVI. OF 1854.

BENGAL.

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1. *General control and superintendence of the education of male minor Wards vested in Collectors of Revenue.*
2. *Collectors to have power to cause male minor Wards to be educated at any school or college.*
3. *Or, in certain cases to cause such Wards to be educated privately.*
4. *Charges and expenses incurred under this Act to be paid out of the profits of the Ward's estate.*
5. *Court of Wards to have power to remove guardians for disobedience to orders passed by a Collector under this Act.*
6. *Continued liability of guardian removed: powers and responsibilities of new guardian.*
7. *The right to the custody of the person of a male minor to be vested in guardian appointed by the Court of Wards, or, failing him, in the Collector.*
8. *Appeal from the orders of a Collector to lie to Commissioner of Revenue acting as a Court of Wards.*

An Act for making better provision for the Education of Male Minors subject to the superintendence of the Court of Wards.

Whereas the existing laws are found insufficient to ensure the proper education of male minors subject to the superintendence of the Court of Wards, and it is expedient to make further and better provision for the education of such persons; It is enacted as follows:—

I. The general superintendence and control of the education of every male minor, whose property has been, or shall be brought under the management of the Court of Wards, in and for any part of the Presidency of Fort William, by virtue of any Act or Regulation, which now is, or hereafter shall be

General control and superintendence of the education of male minor Wards vested in Collectors of Revenue.

in force, is hereby vested in the Collector of Revenue, acting under the said Court of Wards, in the zillah or district wherein such minor's estate is situate; or, if such minor is possessed of immoveable property in different districts, in such one of the Collectors of Revenue of such districts as the said Court of Wards shall select.

Collectors to have power to cause male minor Wards to be educated at any school or college.

II. It shall be lawful for every Collector of Revenue, in whom the superintendence of the education of any minor is vested by this Act, to direct that such minor shall reside, either with or without his guardian, at the sudder station of the district, or at any other place within the said Presidency, and shall attend, for the purposes of education, such school or college as to the said Collector may seem expedient; and to make such provision as may be necessary for the proper care and suitable maintenance of the said minor whilst attending such school or college.

Or, in certain cases to cause such Wards to be educated privately.

III. If it shall appear to the Collector inexpedient to place any such minor at a school or college, he shall, if the proceeds of the estate are sufficient for that purpose, cause such minor to be educated by a private tutor, properly qualified, either at the family residence of such minor, or at the sudder station, or elsewhere within the said Presidency; and in that case also the Collector shall have power to determine from time to time the place of residence of such minor, and to make such provision as may be necessary for his proper tuition and maintenance during the period of his education.

Charges and expenses incurred under this Act to be paid out of the profits of the Ward's estate.

IV. All charges and expenses which may be incurred on account of any male minor ward under the provisions of this Act, for college or school fees, or for other charges of tuition or education, or by reason of his residence in any place other than his own home or otherwise, shall be defrayed from the profits of his estate in the same manner as other expenses incurred under the authority, or with the sanction of the Court of Wards.

Court of Wards to have power to remove guar-

V. It shall be lawful for the Court of Wards, on the application of a Collector, to remove from office any guardian

who shall neglect or refuse to obey, or shall evade compliance with any orders passed, or directions given by such Collector under the provisions of this Act, and to cause a new guardian to be appointed in his place, whether the person so removed shall have been first invested with the guardianship of the minor upon the nomination of a Collector acting under the Court of Wards, or by a testamentary appointment confirmed by the Court of Wards; and if, in any such case, the guardian to be removed shall be also the manager of the minor's estate, it shall be lawful for the Court of Wards, at its discretion, either to remove him from both the said offices, or to continue him in that of manager only.

dians for disobedience to orders passed by a Collector under this Act.

Continued liability of guardian removed: powers and responsibilities of new guardian.

VI. The guardian so removed shall, notwithstanding his removal, continue liable to account to the Collector for his receipts and disbursements during the period of his guardianship: and every guardian appointed in the place of a guardian so removed shall be chosen in the same way, and shall have the same rights and powers, and be subject to the same responsibilities as persons originally appointed to be guardians of minors by a Collector of Revenue acting under the Court of Wards.

The right to the custody of the person of a male minor to be vested in guardian appointed by the Court of Wards, or, failing him, in the Collector.

VII. The right to the custody of the person of any male minor, whose property is under the management of the Court of Wards, is hereby vested in the person appointed with the sanction of the Court of Wards, either originally, or upon the removal of a former guardian, to be the guardian of such minor, or, in the absence of any such person, in the Collector of Revenue having the superintendence of the education of such minor under the provisions of this Act.

Appeal from the orders of a Collector to lie to Commissioner of Revenue acting as a Court of Wards.

VIII. All orders and proceedings of a Collector under the provisions of this Act, shall be subject to the revision of the Court of Wards, and every person aggrieved by any such order or proceeding may prefer an appeal therefrom to the Commissioner of Revenue acting as a Court of Wards in and for the division to which such Collector belongs.

BENGAL.

ACT No. XXVII. OF 1854.

An Act to amend the Law relating to the Nazim of Bengal.

Whereas it is expedient to repeal such parts of the Bengal Regulations as relate to the Nazim of Bengal, his servants, and relations, and to make better provision for the execution of process within the precincts of the palace of the Nazim at Moorshedabad, It is enacted as follows :—

Regulations repealed.

I. Section 10, Regulation XVI. 1793, Regulation XIX. 1805, Regulation XVI. 1806, and Regulation XIX. 1825, of the Bengal Code, are hereby repealed.

Execution of Civil process within the Nazim's palace.

II. When any process, issued by any Civil Court, Collector, or other Revenue Officer, in the Territories of the East India Company, is required to be served or executed within the precincts of the palace of the Nazim at Moorshedabad, such process shall be transmitted to the Superintendent of the affairs of the Nizamut, or other Officer, however denominated, exercising for the time being the control and superintendence of the affairs of the Nizamut; and such Superintendent or other Officer shall cause such process to be served or executed according to the exigency thereof, and shall return the same with a certificate of what shall have been done thereon.

Execution of Criminal process within the Nazim's palace.

III. When any process issued by any Criminal Court, Justice of the Peace, Magistrate, or Officer exercising the powers or any of the powers of a Magistrate, in the Territories of the East India Company, is required to be served or executed within the precincts of the palace of the Nazim at Moorshedabad, such process may, at the discretion of the Court or Officer issuing the same, be transmitted to the Superintendent of the affairs of the Nizamut, or other Officer, however denominated,

exercising for the time being the control and superintendence of the affairs of the Nizamut; and in such case, such Superintendent or other Officer shall cause such process to be served or executed according to the exigency thereof, and shall return the same with a certificate of what shall have been done thereon.

Proof of execution.

IV. Every certificate returned by the Superintendent or other Officer aforesaid under this Act, shall, in all cases, be admitted as *primâ facie* proof of the truth of the matter stated therein.

Limits of the palace how to be defined.

V. It shall be lawful for the Government of Bengal to define, for the purposes of this Act, by notification in the *Calcutta Gazette*, the limits of the precincts of the palace of the Nazim at Moorshedabad; and from time to time in like manner to alter such limits.

ACT No. XXVIII. OF 1854.

Repealed by Act XXVIII. 1856.

ACT No. XXIX. OF 1854.

Repealed by order in Council.

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*ACT No. XXX. OF 1854.

PEGU.

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1. *Acts repealed.*
2. *Duty on Imports by Sea.*
3. *Special duty on Salt imported by Sea. Special Duty on Opium imported by Sea.*
4. *Duty on Exports by Sea.*
5. *Bengal Customs Law to apply.*

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* So much of Sections 2—4 as prescribes the rates of duties to be charged on goods imported into or exported from any port in India by sea—except the articles of Salt and Opium—is repealed by Act VII. 1859.

An Act to provide for the levy of Duties of Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces.

Whereas it is expedient that the Arracan, Pegu, Martaban, and Tenasserim Provinces should be placed, as nearly as possible, in the same position with the Provinces of Bengal and Orissa in respect to the levy of Duties of Sea Customs; that Duties of River Customs should be levied on the Northern Frontier of Pegu; that the floating down of Teak Timber, and the duties payable thereon, in certain of these Provinces, should be regulated by law; and that the exportation of munitions of war from any of these Provinces into Foreign States should be prohibited; It is enacted as follows:—

Acts repealed.

I. So much of Act VII. of 1848 as excepts the Ports of Arracan and Tenasserim from the operation of Section 3, Act VI. of 1818, and so much of Sections 18, 19, and 35, of Act I. of 1852 as relates to the said Ports, are repealed.

ports by Sea.

II. With the exceptions mentioned in Section 3, of this Act, all goods imported by Sea into any part of the Arracan, Pegu, Martaban, and Tenasserim Provinces, from any Port not subject to the Government of the East India Company, or from the Port of Aden, or from any Port in the Straits of Malacca, shall be charged with the same rates of duty as those which are or shall be charged on goods of the same description imported from the same Ports into the Provinces of Bengal or Orissa.

Special duty on Salt imported by Sea.

III. Salt imported by Sea into any part of the Arracan, Pegu, Martaban, and Tenasserim Provinces, shall be charged

duty at the rate of eight annas a maund: provided that it shall be, in respect to Arracan, in the power of the Governor or Lieutenant-Governor of Bengal, and in respect to Pegu, Martaban, and Tenasserim, in the power of the Governor General of India in Council, to fix from time to time, upon Salt imported by Sea, any lower rate of duty that may be thought proper, in order to equalize the rate of Customs Duty upon Salt imported by Sea into any of the said Provinces with the rate of Excise Duty on Salt manufactured in the same Province. Opium imported by Sea into any part of the said Provinces shall be charged duty at the rate of Twenty-four Rupees a seer, excepting Opium purchased at a Government Sale in Calcutta, which shall be free; provided that no Opium of any description shall be landed in the Provinces aforesaid without a Pass from the Collector of Customs at the Port of landing, in default of which such Opium shall be seized and confiscated.

Special Duty on Opium, if imported by Sea.

IV. All goods, except Teak Timber exported by Sea from any part of the Arracan, Pegu, Martaban, and Tenasserim Provinces, to any Port not subject to the Government of the East India Company, or to the Port of Aden, or to any Port in the Straits of Malacca, shall be charged with the same rates of duty as those which are, or shall be, charged upon goods of the same description exported to the same Ports from the Provinces of Bengal and Orissa. Provided that when goods, which have paid River Frontier Import duty under Section 6, of this Act, are exported by Sea under a Certificate of the Collector of River Frontier Customs, passed by the Collector of Sea Customs, the amount of River Frontier Import Duty so paid shall be accepted in full payment of the Sea Export Duty chargeable under this Section.

Duty on Exports by Sea.

V. All the laws and rules relating to the levy of duties of Customs, which are or shall be in force in the Provinces of Bengal and Orissa, shall apply to the levy of duties of Sea Customs in the Arracan, Pegu, Martaban, and Tenasserim Provinces: provided that the powers which, in the Provinces

Customs Laws of Bengal to apply.

of Bengal and Orissa, are or shall be vested in the Governor or Lieutenant-Governor of Bengal, shall be vested, in respect of Pegu, Martaban, and Tenasserim, in the Governor-General of India in Council, and that the powers which, in the Provinces of Bengal and Orissa, are or shall be vested in the Board of Revenue, shall, in respect of Pegu and Martaban, be vested in the Commissioners of those Provinces respectively.

River Frontier Duty on Imports.

VI. All goods, excepting Bullion and Coin, Precious Stones and Pearls, Cotton Wool, Grain and Pulse and Living Animals, which shall all be free; and excepting Spirituous Liquors and Teak Timber, for which special rules are provided; imported by the River Irrawaddy or the River Sitang from beyond the Northern Frontier of Pegu; shall be charged, on passing the Frontier Custom House on the Irrawaddy, or the Frontier Custom House on the Sitang with a duty of Customs of ten *per centum ad valorem*. Spirituous Liquors, on passing either of the said Custom Houses, shall be charged Import Duty at the rate of One Rupee a gallon. Teak Timber, on passing either of the said Custom Houses, shall be charged Import Duty at such rate as shall be fixed from time to time by the Governor-General of India in Council, in order to equalize the rate of duty charged on Foreign Teak Timber so imported with the price that may be fixed from time to time for permission to appropriate and remove Teak Timber of the same description growing in the forests of Pegu, which are State property.

Special Duty on Spirits.

Special Duty on Teak.

Special Duty on Teak in Martaban and Tenasserim.

VII. Teak Timber, floated down any river in the Martaban or Tenasserim Provinces, shall be charged with the same duty as that chargeable for the time being under Section 6, on Teak Timber passing a River Frontier Custom House, and this duty shall be levied at such places on the said rivers as the Governor-General of India in Council shall appoint.

Rules for Teak floated.

VIII. It shall be lawful for the Governor-General of India in Council, in respect of the Pegu, Martaban, and Tenasserim Provinces, to promulgate such rules for the time and manner

of the floating of Teak Timber within the said Provinces respectively, as may to him seem fit; and to prescribe what descriptions of Teak Timber may lawfully be floated, and what descriptions of Teak Timber may not lawfully be floated, within the said Provinces respectively. And all Teak Timber found floating contrary to such rules or orders shall be confiscated.

IX. Goods of the descriptions specified in the Schedule annexed to this Act, exported beyond the Northern Frontier of Pegu, by the River Irrawaddy, or the River Sitang, shall be charged Export Duty on passing the Frontier Custom House on the Irrawaddy, or the Frontier Custom House on the Sitang, according to the rates fixed in the said Schedule; and the said Schedule shall be taken to be a part of this Act. River Frontier Duty on Exports

X. The Governor-General of India in Council shall have power to fix, from time to time, the valuation at which any article liable to *ad valorem* duty on passing a River Frontier Custom House shall be valued in order to the assessment of duty: and in respect of goods passing such a Custom House which are not so valued, in case of dispute respecting their value, the Collector of Customs of the station shall have power to call on the possessor of the goods to assign the value thereof; and thereupon the Collector of Customs shall have power, if he pleases, to purchase such goods on account of Government, at the value so assigned, paying for such goods forthwith, after deducting the duty due upon them according to the value so assigned. Valuation of Goods chargeable ad valorem.

XI. Arms, Ammunition, or Sulphur shall not be imported by Sea into the Arracan, Pegu, Martaban, or Tenasserim Provinces, nor exported by land or by river into any Foreign Territory, from any of those Provinces, without a license from a Collector of Customs, or other Officer having charge of the Collection of Customs; and such articles, if an attempt be made so to import or export them, shall be confiscated. Special Rule for Arms, Ammunition, Sulphur.

XII. This Act shall commence and take effect from and after the first day of January, 1855. Act when to commence.

SCHEDULE.

Referred to in Section 9, of this Act.

Enumeration of Goods.	*Rate of Export duty.*
Rice..........	An anna a basket.
Paddy	Half an anna a basket.
Salt	Four annas a maund.
Betel-Nut .. ..,	*Ten per centum ad valorem.*
Nyapee; dried, smoked, salted, and preserved fish, and fish-roes	*Ten per centum ad valorem.*

SUPREME COURTS.

ACT No. XXXI. OF 1854.

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1. *Real actions, &c., abolished.*

2. *Tenant in tail may dispose of or enlarge his estate by simple deed, &c.*

3. *A married woman, with her husband's concurrence, empowered to dispose of her estate by deed acknowledged, &c.*

4. *Provision to apply to money subject to be invested in lands.*

5. *Execution of deeds by married women.*

6. *If husband be lunatic &c., Court may direct acknowledgment by deed without his concurrence, saving right of the husband, &c.*

7. *Supreme Courts may appoint for the purpose of taking such acknowledgment, permanent or special Commissioners.*

8. *Such married woman to be examined apart before Judge, &c., taking her acknowledgment.*

9. *Judge, &c., shall sign a Memorandum of acknowledgment—form of it.*

10. *Deed of married woman to take effect from time of acknowledgment.*

11. *Deed when presumed to have been duly acknowledged.*

12. *Nothing in this Act to abridge the powers of alienation which a married woman possessed before.*

13. *Contingent estates in deeds or wills without trustees to preserve, to be protected by the law from destruction.*

14. *Estate may be conveyed, &c., by deed, though not operating under the Statute of Uses.*

15. *No conveyance to operate tortiously.*

16. *Words of limitation not necessary in a deed, to give estate by inheritance. Estate limited to heirs shall not unite with a prior life-estate.*

17. *Bonâ-fide purchaser not required to see to application of trust-money in any case.*
18. *Act to apply only to cases governed by English Law.*
19. *Interpretation.*

An Act to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land in cases to which the English Law is applicable.

Whereas it is expedient, in cases to which the English law applies, to abolish real actions and also fines and common recoveries, and to simplify the modes of conveying land, and to exempt the purchasers of trust property from the liability to see to the application of the purchase money; it is enacted as follows:—

I. All real actions, fines and common recoveries, except such as may be in progress when this Act comes into operation, are abolished.

Real actions, &c., abolished.

II. Every tenant in tail or other owner of an estate of inheritance less than an estate in fee simple either at law or in equity, in any lands or hereditaments, not being under any disability, shall have power to dispose of such lands and hereditaments against the issue in tail, and all persons whose estates are to take effect after the determination or in defeasance of his own, or to enlarge his said estate into an estate in fee simple, by any deed declaring an intention so to dispose of the said lands or hereditaments, or to enlarge his estate therein; and every tenant in tail or other owner of an estate of inheritance less than an estate in fee simple, who shall be under the disability of coverture, shall have power to dispose of or enlarge her said estate in manner aforesaid, by any deed declaring her intention so to do, and acknowledged by her as hereinafter mentioned. Provided that every disposition under this Section shall be subject to the rights of all persons in respect of estates prior to the estate tail or other estate of inheritance which is the subject of such disposition, and the rights of all other persons, except those against whom such disposition is by this Act authorized to be made.

Tenant in tail may dispose of or enlarge his estate by simple deed, &c.

A married woman, with her husband's concurrence, is empowered to dispose of her estate by deed.

III. Every married woman who, either alone, or jointly with her husband, is possessed of, or entitled to any estate or interest in, or any power to be exercised over, any lands or hereditaments, which but for the passing of this Act, she might have disposed of or extinguished by levying a fine or suffering a recovery, or by joining in either of such assurances, shall have power by deed, to be acknowledged by her as hereinafter mentioned, to dispose of, release, surrender, or extinguish any such estates, interest, or power, as fully and effectually as if she were an unmarried woman.

Provision to apply to money subject to be invested in lands.

IV. The provisions of the last two preceding Sections shall, so far as circumstances will admit, apply to money subject to be invested in lands or other hereditaments.

Execution of deeds by married women.

V. No deed to be executed by a married woman under the provisions hereinbefore contained shall, so far as regards the interest of such married woman, be valid or effectual, unless her husband concur therein, nor unless the deed be acknowledged in manner hereinafter prescribed before a Judge of one of Her Majesty's Supreme Courts, or before a Judge or other Covenanted Officer of the East India Company exercising Civil jurisdiction in the place where in such deed shall be acknowledged, or before some Commissioner appinted either specially for the occasion, or appointed as a permanent Commissioner by one of Her Majesty's said Courts to take such acknowledgments.

If the husband be lunatic, &c., Court may direct acknowledgment of deed without his concurrence, saving the right of the husband, &c.

VI. If the husband of any married woman, desirous of enlarging, passing, or destroying any estate interest, or power, by a deed to be acknowledged by her under this Act, shall be a lunatic, idiot, or of unsound mind, whether he shall have been found such by inquisition or not, from any other cause shall be incapable of executing a deed, or if his residence shall not be known, or if he shall be in prison, or living apart from his wife either by mutual consent or by sentence of divorce or in consequence of his being transported beyond the seas, or from any other cause whatever, it shall be lawful

for any of Her Majesty's said Courts, by an order to be made in a summary way upon the application of such married woman, and upon such evidence as to the Court shall seem meet, to dispense with the concurrence of her husband in the deed so to be acknowledged; and any deed to be executed or acknowledged by her in pursuance of such order shall (but without prejudice to the rights of her husband as then existing, independently of this Act,) be as valid and effectual as if he had concurred therein.

Supreme Courts may appoint for the purpose of taking such acknowledgment, permanent or special Commissioners.

VII. It shall be lawful for any of Her Majesty's said Courts to appoint, by its order, under the seal of the Court, to be published in the Government Gazette or otherwise as the Court shall direct, permanent Commissioners, either by name or office, and to appoint from time to time, under special Commissions, Special Commissioners, any one of whom shall be authorized and empowered, unless the act is directed to be done before more than one, to take the acknowledgment of any deed by any married woman, who by reason of her place of residence, or ill-health, or other sufficient cause, shall be unable to make such acknowledgment before one of the Judges or other officers described in the preceding Section.

Such woman examined apart before Judge, &c., taking her acknowledgment.

VIII. Every such Judge, Officer, or Commissioner as aforesaid, before he shall receive the acknowledgment by any married woman of any deed to be acknowledged by her under this Act, shall examine her apart from her husband, touching her knowledge of such deed, and shall ascertain whether she understands its object, and freely and voluntarily consents to the same, and unless she appears to understand its object, and freely and voluntarily to consent to such deed, he shall not permit her to acknowledge the same, and in such case such deed, so far as relates to the execution thereof by such married woman, shall be void.

Judges, &c. shall sign a Memorandum of acknowledgment.

IX. Every Judge, Officer, or Commissioner taking such acknowledgment under this Act, shall at the time of taking the same, sign a memorandum to be endorsed on or written

at the foot or in the margin of such deed, which memorandum shall be to the following effect, namely, "this deed, marked ( ), was this day produced before me and acknowledged by ——— therein named, to be her act and deed, previous to which acknowledgment the said ——— was examined by me separately and apart from her husband, touching her knowledge of the contents of the said deed, and her consent thereto, and appeared to understand the same, and declared the same to be freely and voluntarily executed by her."

Deed of married woman to take effect from time of acknowledgment.

X. Every deed executed by a married woman and hereby required to be acknowledged, shall, so far as regards the interest of such married woman, take effect only from the time of the acknowledgment thereof.

Deed when to be presumed to have been duly acknowledged.

XI. It shall not be necessary for any person producing a deed so acknowledged in any Court of Justice, to prove the hand-writing or authority of the Judge or other Officer, or the Commissioner taking such acknowledgment, but if such memorandum purports to have been in substance regularly made and signed, the deed shall be presumed to have been duly acknowledged by the party, until the contrary is shown.

Nothing in this Act to abridge those powers of alienation which a married woman possessed before.

XII. Nothing in this Act contained shall abridge, extend, or affect the powers of alienation or disposition, which any married woman might have exercised over any property or rights, otherwise than by levying a fine or suffering a recovery, or by joining in one of such assurances before the passing of this Act.

Contingent estates in deeds or wills without trustees to preserve, to be protected by the law from destruction.

XIII. In any deed or will executed after this Act comes into operation, and disposing of immoveable property situate in the territories in the possession and under the Government of the East India Company, wherein contingent estates are limited without the appointment of any trustees to preserve such contingent estates, the same shall be, to all intents and purposes, as effectually protected by the law as if such trustees had been duly appointed.

XIV. Any estate or interest in immoveable property, situate within the said territories, whether in possession, remainder, or reversion, may, in addition to any other mode of conveyance or release which is now valid, be conveyed, passed, or released by a simple deed, whether such deed operate under the Statute of Uses or not.

Estate may be conveyed, &c., by deed, though not operating under the Statute of Uses.

XV. No conveyance of any kind shall operate to destroy, impair, or affect any estate or interest which the conveying party has no right to destroy, impair, or affect, or beyond the extent to which he may impair or affect the same.

No conveyance to operate tortiously.

XVI. It shall not be necessary in any deed relating to immoveable property situate within the said territories, to be executed after the passing of this Act, to add words of limitation to heirs, when the intention is to give the absolute interest to a person and his heirs general; but a gift, grant, or other conveyance of immoveable property to, or in favor of any person, shall be taken to give him the entire and absolute interest in the nature of an estate in fee simple, unless such construction is rendered inadmissible by the other contents of the deed and when in any deed or will executed after the passing of this Act any property is given to a person for life or for other freehold interest, and afterwards in the same deed or will is limited to his heirs or heir special, the estates shall not unite, but the limitation to the heirs shall be a limitation of an estate to be taken by the heirs by purchase.

Words of limitation not necessary in a deed, to give estate by inheritance.

Estate limited to heirs shall not unite with prior life estate.

XVII. Where any property is sold, the proceeds of which are subject to any trust, the *bonâ-fide* purchaser of the property shall not in any case be bound to see to the application of the purchase-money to the purposes of the trust.

Bonâ-fide purchaser not required to see to application of trust-money in any case.

XVIII. Nothing in this Act contained shall extend to any case to which the English Law is not applicable.

Act to apply only to cases governed by English Law.

XIX. The term "Her Majesty's Supreme Courts" shall include the Court of Judicature of Prince of Wales' Island, Singapore, and Malacca.

Interpretation.

ACT No. XXXII. OF 1854.

Expired.

GENERAL.

*ACT No. XXXIII. OF 1854.

1. *Decisions to be written in the Vernacular language of the Judge and to be signed by him and filed. Translation when to be recorded.*

2. *Points to be established shall be written in the Vernacular language of the Judge and signed by him in Court. Translation when to be recorded.*

3. *Decisions not required to be written in open Court.*

4. *No appeal for non-compliance with this Act or Act No. XII. of* 1843. *Appellate Court by precept may require compliance.*

5. *Saving of provisions of Act No. XII. of* 1843.

An Act to extend the provisions of Act No. XII. of 1843.

Whereas it is expedient that every decision, sentence, or final order, made or passed by any Officer of the East India Company acting judicially, together with the reasons for the the same, should be written in the Vernacular language of the Officer by whom the same is made or passed, and should be signed by him at the time of pronouncing such decision, sentence, or order; It is enacted as follows:—

Decisions to be written in the Vernacular of the Judge, and to be signed by him and filed.

I. Every decision, sentence, or final order, which shall hereafter be made or passed by any Officer of the East India Company acting judicially, together with the reasons for making or passing the same, shall be written in the Vernacular language of such Officer, and shall be dated and signed by such Officer in Court at the time of his making or passing the same, and the original shall be filed with the record or proceedings in the case, and a translation thereof, where the original is recorded in a different language to that in ordinary use in proceedings before such Officer, shall be incorporated in the decree or record of the decision, sentence, or order.

Translation when to be recorded.

* Repealed by Act X. 1861, as regards suits or proceedings under Act VIII 1859.

Points to be established shall be written in the Vernacular of the Judge, and signed by him in Court.

II. Whenever, in any suit before any Officer of the East India Company acting judicially, the points to be established by the parties respectively, or on which proof is required by the Court, are directed by law to be recorded, the points shall be written in the Vernacular language of such Officer, and the writing shall be dated and signed by him in Court at the time of his announcing the points to the parties; and if the Vernacular language of such Officer be different from the language in ordinary use in proceedings before the Court, a translation shall be incorporated in the record.

Translation when to be recorded.

Decisions not required to be written in open Court.

III. Nothing in this Act, or in Act No. XII. of 1843, shall be so construed as to require Officers of the East India Company acting judicially to write their decisions, sentences, injunctions, or orders, or to record the point or points to be established by the parties respectively, under the last preceding Section, in open Court.

No appeal for non-compliance with this Act or Act No. XII of 1843

IV. No appeal shall lie from any decision, sentence, injunction, or order, nor shall the same be reversed or remanded upon the ground of non-compliance with the provisions of this Act, or of Act No. XII of 1843. But the Appellate Court may, by precept, require the Officer of the Lower Court to comply with the provisions of this Act, or of Act No. XII. of 1843, and to certify his reasons for any such decision, sentence, or order to the Appellate Court; and any such Appellate Court may, if it deem it necessary for the ends of justice, postpone its final decision in the appeal until such precept shall have been returned.

Appellate Court by precept may require compliance.

Saving of provisions of Act No. XII. of 1843.

V. Nothing in this Act contained shall be deemed to repeal any of the provisions of Act No. XII of 1843.

ACT No. XXXIV. OF 1851

Repealed by Act VIII 1860

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